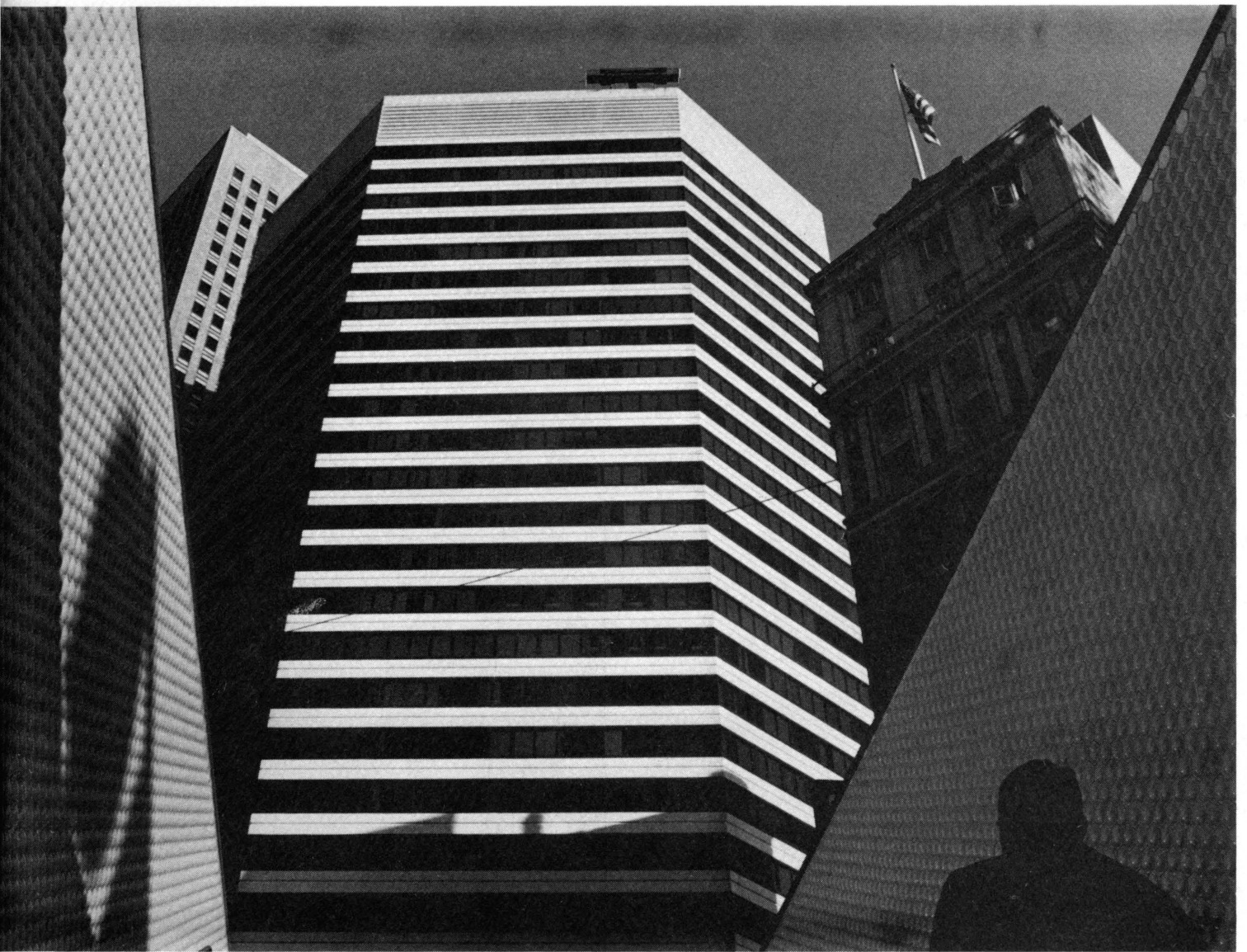


# URBAN ACTION

1986



600 Market Street

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## FROM THE EDITORS . . . .

The editors of the 1986 *Urban Action* are proud to present this excellent collection of articles. Included in this journal are articles that address a wide range of significant issues: the increasing feminization of poverty, transportation, historic preservation, downtown development and other topical concerns that continue to affect our lives. These articles represent a variety of viewpoints contributed by students from different disciplines.

As our Urban cities continue to grow and change, the complexity of issues that we are faced with have reached grand proportions. We as editors believe that the complexity of these problems necessitates an interdisciplinary approach. It is our hope that *Urban Action* provides such a forum for these viewpoints to be exposed and analyzed by a concerned audience.

We would like to thank Norm Schneider—our faculty advisor—and all the Urban Studies faculty members for their advice and encouragement. A special thanks to all the authors for their patience and cooperation in what was sometimes a lengthy process of editing and refining the articles. Thanks to University Printing for their help in the publication of the journal. And finally, thanks to Associated Students for their generous funding which has made the publication of this journal possible.

The Editors of *Urban Action* 1986

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# Women and Poverty: The Causes, Current Responses And Need for Creative Solutions

by Gretchen Lemke

*Gretchen Lemke will be graduating this spring with a major in history. The past and present social status of American women is a specific interest of hers.*

**M**arsha M. is a thirty-three year old San Francisco resident and single parent. Although she worked up until two years ago as a retail sales clerk, her full time, minimum wage job did not pay enough to cover housing, food, transportation, child care, and medical expenses. Prior to 1981, Marsha had received supplemental AFDC (welfare) benefits that helped her get by, but legislation effective after that date cut her eligibility. At a time when two income families are struggling, Marsha simply could not support her family. Forced to quit her job because of the low wages it paid, and to go on welfare completely, Marsha now endures life in a high crime neighborhood with sub-standard housing, medical care, and constant concern over having enough money for food, utilities, and clothing.

Add to Marsha the growing ranks of recently divorced, displaced homemakers, unmarried teenage mothers, and older single women living on fixed incomes and a trend becomes apparent: the dramatic increase in poverty rates among mostly urban, single female headed households. Between 1960 and 1982, largely due to increasing divorces and separation rates as well as increases in the number of pregnancies outside of marriage, the number of families headed by women doubled. At the same time, a shift occurred in poverty statistics. In 1959 two thirds of the poor, both black and white, were living in families headed by men. But by 1982 almost half of all poor were living in female headed households.<sup>1</sup> The increase has been greatest among black women, with 67% of all black poor living in female headed homes, and 43.5% of all older black women falling below the poverty line.<sup>2</sup>

However, the burden of poverty has not only shifted from men to women, but has grown, making the problem even more alarming. In August 1984 the Census Bureau revealed that the number of Americans living below the poverty line increased by over 9 million (35%) between 1979 and 1983. Today, the number of Americans living in poverty is higher than at any time since 1965, and most poor are women and children.<sup>3</sup>

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Although higher divorce rates and the increase in pregnancies outside of marriage explain why more families are headed by women, they don't explain why these families are poor. Those that would blame poverty on the lack of a male breadwinner and the breakdown of the traditional nuclear family simply draw attention away from the social inequities that form the basis of female poverty.

## The Causes

What, then, are the real reasons why women are poor? First, given the economic conditions that have necessitated the emergence of the two income family it is not

surprising that a single parent would have difficulty . . . particularly if that person is female. Despite two decades of "liberation" women today earn only fifty-nine cents for every dollar earned by men—down from nearly sixty-four cents in 1955.<sup>4</sup> Even after controlling for education, age, race, level of achievement, degree of labor force participation, and specialization within occupations, this discrepancy remains constant. Marsha, for example, worked in a complex of small retail shops. Most of the sales people were women that worked for minimum wage without commission, vacation time, and other benefits. She learned that the male employees at the men's clothing store and tobacco shop earned twice as much as the women, and received commission and vacation time. She wondered whether a man's time is considered more valuable, or if there is some hidden skill in selling cigars. Obviously the former case is true. Indeed, those women that obtain an education, remain employed, and do all of the things that men do to climb the career ladder, still suffer a greater likelihood of being poor.<sup>5</sup> Thus, poverty for men is often a consequence of not having a job. For women it often comes as a result of being underpaid. In this vein, a 1977 government study found that if working women were paid what similarly qualified men earn, the number of poor families would decrease by half.<sup>6</sup>

Occupational segregation and the related concept of the dual economy are other reasons for the poverty of women. Increasingly, the American job market is characterized by polarization between a primary and secondary sector. Occupations in the middle, which consisted of skilled trades and provided the opportunity for advancement to generations of immigrant men, are rapidly disappearing. Typically, primary sector jobs include upper level management, marketing, research and development, and finance related occupations. They usually offer a high degree of job security, good benefits and salaries, and have low rates of unemployment. Jobs in this sector are "inside" jobs, limited to people with the right references and connections . . . people that are usually white and male.

Secondary jobs, on the other hand, include clerical, retail sales, domestic, restaurant, secretarial, and light assembly types of occupations. They are typically low paying, deficient in benefits, and characterized by lack of advancement opportunities, high rates of turnover, and job insecurity.<sup>7</sup> Not surprisingly, this sector is dominated by women and minorities. Indeed, four out of five working women are segregated into secondary occupations.<sup>8</sup> Marsha was correct in observing that retail jobs at her place of employment were held mostly by women. When a man did work there he was usually a student and viewed the job as a temporary source of income. The women, on the other hand, frequently supported children or had been forced into the job

market by the death of a spouse or divorce. Their jobs were a matter of survival.

While often presented as creating employment opportunities, the new secondary service jobs bear a striking resemblance to the dead-end slots traditionally filled by women. In addition to low wages and poor benefits, unemployment and underemployment are common: conditions long rationalized by the attitude that women's work is supplemental to that of a major breadwinner. Since 1980, the number of women forced to accept part time employment because of lack of full time jobs has risen twice as much as the number of men. Furthermore, between 1980 and 1984 the number of women who wanted work but couldn't find it jumped by 415,000, while male unemployment rose only by 6,000.<sup>9</sup>

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**'AFDC is inadequate . . . because it does nothing to change the structure and practices that bar women (especially minority women) from gainful, meaningful work.'**

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Coupled with discrimination in the job market are the persistent sex role norms that place major parenting responsibility on women. This is the case despite the fact that only 6% of American families follow the traditional model of a working father and a homemaker mother. The "liberated" male that takes equal responsibility for child care and economic support is still, unfortunately, in the minority. For married women this means working double time. For single mothers, it more often than not means full child care and financial responsibility. According to a recent study, in the first year following divorce, a husband's income increases 42%, while the woman's drops 73%. Alimony is awarded to only 14% of divorcing women, and of those only 7% collect it regularly.<sup>10</sup> Only 25% of women eligible for child support are able to collect it, and of those 60% receive less than \$1,500 per year.<sup>11</sup> On top of all this, the U.S. lacks any type of organized, affordable child care system. Hence, a single or recently divorced woman's career choices and educational decisions are often shaped by the immediate needs of her children, while the father gains more freedom to pursue his own



advancement.

Sex role norms, combined with the types of discrimination already discussed have also contributed to low occupational and educational aspirations among young women, helping to explain high rates of teenage pregnancy. Minority women, in particular, have suffered under the double hardship of sexism and racism, locking them into a cycle of dead-end jobs, single parenthood, and poverty. These in turn lead to diminution of life choices, political disenfranchisement, poor mental and physical health, subjection to crime, and low self-esteem.<sup>12</sup>

## The Current Responses

The responses to the problems of increasing poverty among female headed households have either been directed at symptoms rather than root causes, or have reflected the desire of politicians to score points with tax burdened voters. In the latter case, the facts about the effects and extent of social welfare spending have often been grossly misrepresented, and the problems oversimplified for the sake of political expediency.

Since the 1930s AFDC (Aid to Families with Dependent Children) has been the primary source of social support for the poor. Recently scapegoated for creating laziness and dependency, and contributing to the breakdown of families, it merits discussion of both its true limitations and benefits. Today, the average recipient is a mother with two offspring, with fathers representing only one in nine AFDC families. Along with food stamps, medicaid, and other programs for the poor, it constitutes only a small fraction of the federal budget, with social security, medicare, and VA income security costing roughly four times as much.<sup>13</sup> Average benefits, even when food stamps are included do not bring a family above poverty lines as defined by the Census Bureau. This is true even in California; a state with a generous public assistance program.<sup>14</sup>

Numerous studies have demonstrated that prevalent beliefs about AFDC are untrue. Research done at Harvard found no correlation between marital disruption, the rise of unmarried pregnancies, and AFDC benefits. Similarly, they found little evidence that such benefits instilled economic dependency among women.<sup>15</sup> Other studies have demonstrated that work orientation and attitudes of the poor do not differ from those of the non-poor. In both cases, people equally identify self-respect with work.<sup>16</sup> Indeed, almost all AFDC recipients leave within a few years, having used it as a temporary source of support following job loss, cut hours, divorce, or death of a spouse. Only 1/6 of all recipients are "locked in" the system, using AFDC for eight years or more.<sup>17</sup>

In view of these findings, AFDC appears to function as a poor woman's employment insurance . . . providing minimal assistance in between jobs, or used to supplement insufficient earnings. And for these women, and the few that are "locked in," support is very minimal—never providing enough to break out of the secondary labor market and the cycle of poverty. In essence, AFDC is inadequate, not because it breaks up families and fosters dependence, but because it does nothing to change the structure and practices that bar women (especially minority women) from gainful, meaningful work.

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**'A nation that increases defense expenditures while greater numbers of citizens are without basic needs, is not only weakening its unity, but threatening the fabric of democracy.'**

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Within the last five years opposition to AFDC has increased, leading to a number of proposed and actual reforms. Unfortunately, such reforms, coming from liberals and conservatives alike, are premised on the old myths of laziness, dependence, and family break down. Furthermore, they have come at a time when more women than ever need assistance. Since 1981 \$50 billion has been cut from programs that helped poor women and their children. These have included food stamps, low income housing provision, job training, nutrition programs, medical care, and energy assistance. Ironically, recipients that were attempting to support their families became poorer as a result of the cuts. By raising the eligibility requirements for food stamps, medicaid, child care, and other programs that supplemented insufficient wages, the current administration actually created an incentive for poor working women to quit their jobs and go on AFDC completely.<sup>18</sup>

Another misguided reform has been the enactment of workfare programs. Recently passed in California, Assembly Bill 2850 will require AFDC recipients, with children over six, to participate in remedial education programs, job training, preparation, and search work-

shops, and to eventually find a job in the private sector. Those unable to find jobs will be forced, under penalty of losing benefits, to accept placement in a public or nonprofit agency in order to work off their grants.

Although specifics of the program have yet to be worked out, it is doubtful that it will be able to place women in jobs that offer a substantial improvement over those that they have held in the past. First, the type of training and experience needed to break into higher paying occupations would require more than that which is allocated in the program. Jobs that would pay enough for a single mother to be truly independent are being filled by people with four or more years of college. And, as was previously mentioned, skilled, middle sector jobs are on the decline. Finally, the workfare program does not address the social inequities that make women poor to begin with. It is not lack of training that dictates that a woman with a college diploma earns less than a man with an eighth grade education.<sup>19</sup> Nor is it laziness or lack of motivation that pays women with equal experience, number of hours on the job, and education only half of what a man receives for the same work. Racism and sexism, the real reasons for these inequities, were apparently not recognized by the authors of workfare legislation.

Yet another program proposed by the Reagan administration is the creation of "Enterprise Zones" in low income areas. Based on the "Hong Kong model," it offers tax credits and reduced regulations to businesses that set up plants in places of high unemployment. Inacted in a number of states, such programs, with their low paying, low skilled jobs, merely reinforce existing employment patterns for women.<sup>20</sup>

## Suggestions for Future Social Policy

As the problems of female poverty increases, creative solutions on the part of advocates for women and children are urgently needed to counter prevalent myths and politically expedient solutions. A first step it to recognize that the structure of the American family and economy are changing, and that these changes, combined with institutionalized racism and sexism are the reasons why more women and children are poor. Next, a social welfare policy, including the following elements must be developed.

1. For the 1/6 of the poor that are locked in the welfare system, sufficient income and supporting services should be provided to insure that children of these families have every opportunity to break out of the cycle of poverty.
2. Services such as child care, medical insurance, and

supplemental food and housing programs should be available for working mothers that earn insufficient wages.

3. Child support laws need to be more strongly enforced, and work and child care patterns should be restructured to facilitate shared parenting. A national system of child care should also be implemented.
4. Divorce laws need modification in order to reflect the different responsibilities, skill levels, and earning power of women. For example, an established career, years of education, the wage gap between men and women, and other determinants of earning capacity, should be viewed as assets in the divorce settlement.
5. Anti-discrimination legislation for women and minorities should be enforced and expanded upon, with comparable worth and affirmative action receiving particular attention.
6. Job programs that focus on providing nontraditional skills, and financial support for higher education instead of secondary sector vocational training need to be instituted. Similarly, the formation of women's businesses and cooperatives should be encouraged.
7. Sex education, family planning services, and programs designed to break down sex role stereotypes among young people should be developed and expanded.

While these policy suggestions would begin to address the wage gap between the sexes, employment segregation, and sex role norms that place major parenting responsibilities upon women, other problems, effecting the economic condition of all Americans, must also be examined. First, an effort must be made to direct the changes occurring in the American economy . . . changes which have created poverty and dislocation among the skilled and unskilled, male and female, black and white. While it is not in the scope of this paper to examine the growth of multinational corporations, the increasing mobility of capital, automation, and deindustrialization, these will ultimately determine the quality of life of both male and female workers. Professor E. Rothschild of MIT was quoted in Newsweek (Jan. 17, 1983, pp. 20-32) as saying that the U.S. is moving "toward a structure of employment ever more dominated by jobs that are badly paid, unchanging and unproductive"—a structure characterized by a minority of managers, a large, underpaid secondary sector, and

a disappearing middle. Hence, social policy that touches the heart of poverty implies a critical analysis of the above, and the search for a more humane economic model.

Finally, the problem of militarism, and its link to the decline of the American living standard and democratic institutions must be addressed. A nation that increases defense expenditures while greater numbers of citizens are without basic needs, is not only weakening its unity, but threatening the fabric of democracy. Indeed, government by, and for the people has long been recognized as hinging on a high degree of social and economic equality, as well as a literate and informed population. What we see today is a trend in the opposite direction. The problems that need to be overcome to achieve disarmament and peace are, without a doubt, complex, but to neglect their solution is to neglect the essential element of our nation's strength: a productive, educated, and politically active citizenry that is free from the crippling effects of racism, sexism, and poverty.

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# Addressing the Problem Of Anti-Gay Violence: A Community Responds

by Paula Frederick

Violence committed against Gay men and Lesbians is an issue with historical dimensions. Due to political, religious, and social realities of the past, however, it is an issue which has only recently been addressed by policymakers in terms of curtailing such violence. Ironically, although previous government policies have existed (either officially or unofficially) which related to this subject, the purpose of these policies was more in the vein of punishing Gays and Lesbians (e.g., routine police harassment, imprisonment, commitment to mental institutions) than in protecting them.<sup>1</sup> With the emergence of the Gay rights movement in the late 1960's, the intent and nature of these policies were called into question.<sup>2</sup> As the Gay and Lesbian "community" has grown as a political force (particularly in dense urban areas such as San Francisco), the character of policies concerning anti-Gay violence has been slowly altered. But these changes in government policy have not occurred without the considerable efforts of this community to provide their own solutions to the problem.

## Background

For many years in San Francisco and elsewhere, harassment of Gays and Lesbians by the police had been common practice, and one which had been encouraged by the local government, the police department hierarchy, and the population in general.<sup>3</sup> In fact, it was long considered by society that part of police responsibility was to "contain" homosexual activities, which came under the heading of "criminal vice."<sup>4</sup> With local authorities setting an example for the persecution of Gays and Lesbians, it is not surprising that ordinary citizens have often assumed a free license to engage in hostile behavior towards these individuals as well. Frequently, this hostility has erupted in violence. And, unfortunately, Gay and Lesbian victims have had little

recourse in the past but to accept this violence as part of their lives, given the lack of sympathy for them on the part of society and its institutions.<sup>5</sup>

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Beginning in the 1950's, San Francisco Gays and Lesbians began voicing complaints about the harassment and violence they were encountering from the police.<sup>6</sup> Not incidentally, the expression of these complaints coincided with the establishment of early Gay rights organizations, like the Mattachine Society.<sup>7</sup> But the very fact that homosexuals were organizing themselves in this manner drew a backlash of increased hostility from the local population. A campaign flyer which was distributed by 1959 mayoral candidate indicates the nature and depth of this anti-Gay sentiment:

I am convinced that the true purpose of the Mattachine Society is to subvert public morals and change our entire social structure to the point that homosexual activities will be regarded as normal and harmless. Do not be misled. Organized homosexuality in San Francisco is a menace and must be faced today. TOMORROW MAY BE TOO LATE.

The city government was accused by this candidate of "coddling" homosexuals, and as a reaction to his charges, the police came down even harder on Gay bars (i.e., increased vice raids) than had recently been the case.<sup>8</sup>

The subsequent history of violence against Gays and Lesbians, and of police harassment of them, has tended to repeat this early trend of societal backlash; for as political strides have been made by the Gay and Lesbian community in San Francisco, increased violence has frequently followed.<sup>9</sup> There exists an interesting paradox here, as often the political activity of Gays and Lesbians has, in different ways, positively as well as negatively affected the problem of violence against them.

Given this background, I would like now to examine the specific activities of the San Francisco Gay and Lesbian community in addressing the issue of anti-Gay violence.

## A Community Responds

The concern over anti-Gay violence was brought to the attention of local government by the Gay and Lesbian community on numerous occasions, and by assorted means of political activity (such as public protests). Time and again, the local government chose to ignore rather than to investigate these complaints, and concluded that government policy action around this problem was not warranted.<sup>10</sup> It is believed that the reasons for the reluctance on the part of city government to address the problem of anti-Gay violence rest primarily with the politically sensitive nature of the issue involved. Meaning that the individuals who were affected by the problem were considered by society to be socially deviant, and therefore undeserving of government assistance.<sup>11</sup> More specifically, it was probably reasoned by local legislators that coming to the aid of this group would prove politically imprudent in terms of the careers of those legislators involved, since public opinion, at least at this particular point in time, would certainly not be supportive of government policy which served the needs of this community.

Having received no response from local government to their complaints about anti-Gay violence, San Francisco Gays and Lesbians organized to address the problem themselves. In 1979, they created an organization, The Community United Against Violence (CUAV), to facilitate this purpose.<sup>12</sup>

Staffed by volunteers and funded through donations and fund-raising efforts within the Gay and Lesbian community, CUAV initially undertook the following activities: self-defense classes, employing the use of

mace; an outreach program to promote education about homosexuality and to promote goodwill with other communities; the establishment of a telephone hotline to assist crime victims; and a research project to compile data on the nature and frequency of violent assaults on Gays and Lesbians.<sup>13</sup> This latter task was particularly significant because it established an empirical record of the problem, the purpose being to determine how extensive the problem was and exactly who was being affected by it. To this end, CUAV put together a questionnaire, which they referred to as a "client stat," and, utilizing the victims' assistance hotline, gathered specific information about the circumstances surrounding the incidents of violence which were reported to them. The questionnaire included such items as the race, sex, and age of both the victims and the assailants; the date, time, and location of the attack; the weapons used (if any); and the reasons for believing the assault was motivated by anti-Gay feelings (e.g., did the assailant refer to the victim in derogatory, anti-Gay terms?). This research aided considerable the efforts by CUAV and others to apply effective solutions to the problem.<sup>14</sup>

In seeking their solutions to anti-Gay violence, CUAV and the San Francisco Gay and Lesbian community looked to the philosophy of the Gay rights movement for guidance. Having identified "homophobia" as the overriding motivational force for violent attacks on Gays and Lesbians, these individuals, in concert with Gay rights leaders, determined that the most effective means of impacting homophobia was through education.<sup>15</sup> That is, in educating heterosexuals about homosexuality, in order to shatter the myths surrounding homosexuality, which were felt to be the primary reasons for the irrational, homophobic fears on the part of heterosexuals.

One of the principle tenets of the Gay rights movement of the 1960's was the advocacy of "coming out" as homosexuals to heterosexuals.<sup>16</sup> In so doing, it was reasoned by movement spokespersons that the barriers between homosexuals and heterosexuals would thus be diminished, as heterosexuals would learn that Gays and Lesbians were people not unlike themselves in most respects. Following this rationale, the San Francisco Gay and Lesbian community proposed a variety of policy actions which would serve this "coming out" function in some manner. Among these policy actions was the establishment of the Gay and Lesbian Speakers Bureau, which would visit high schools in order to create interaction and dialogue between the Gay and Lesbian community and students.

By adopting the philosophy of the Gay rights movement, San Francisco Gays and Lesbians placed considerable reliance on what had already been learned

about prejudice towards oppressed groups in society. For the Gay rights movement had followed the lead of other civil rights movements, such as the Black movement,<sup>17</sup> in arriving at the idea that interaction and communication between an oppressed minority and the dominant culture (much like the logic behind Black and White integration) was crucial to gaining understanding and equality between these two groups. Hence, the efforts of the Gay and Lesbian community to deal with anti-Gay violence involved an in-depth examination of the broader implications of this issue.

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***'The community outreach program . . . was an attempt, at least partially, to reach the problems of anti-Gay violence at its root cause.'***

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The early endeavors of the Community United Against Violence did not include government policy actions, again, because the local government was unwilling to respond to the problems of anti-Gay violence. Consequently, CUAV focused on community efforts and services to affect the problem as much as possible without the assistance of local government. As I have mentioned, the initial activities of CUAV included self-defense classes, outreach to other communities, a victims' assistance hotline, and a research project. It is of interest to note that these efforts dealt with the problem on varying levels. For example, the self-defense classes dealt with violence on an immediate and direct level, and did not aim at the underlying causes of the problem. These classes, instead, served to help potential victims in the physical prevention of an assault. The victims' assistance hotline, also, did not focus on the causes of anti-Gay violence, but aided victims after-the-fact in coping with the effects of violence. These after-effects included self-blaming, and feelings of powerlessness and isolation on the part of victims.<sup>18</sup> CUAV staff lent an understanding and supportive ear to these victims to lessen the trauma of the assault.

The community outreach program, on the other hand, was an attempt, at least partially, to reach the problem of anti-Gay violence at its root cause. This program served the aforementioned "coming out" func-

tion, as it was directed at creating interaction and communication with non-Gay groups and communities. Under this program, Gay and Lesbian representatives would attend the meetings of other community groups, engage in open discussions, and attempt to work with these groups in coalition efforts around shared concerns.

Finally, the research project was intended to identify the elements of anti-Gay violence more clearly, both for the purpose of providing better solutions to the problem, as well as to help in acquiring funding and support from the government (and from other sources) for CUAV activities.

In the process of conducting their research project, it was discovered by CUAV staff that a substantial portion of violent incidents against Gays and Lesbians involved police assaults. In fact, at times CUAV found that 50% of their victim "caseload" within a given period involved police brutality.<sup>19</sup> Considering the history of police harassment of Gays and Lesbians, becoming aware of this fact was less than a revelation to the CUAV staff. Discovering these statistics, however, did serve to focus the need for specific policy action to be taken with respect to police conduct. Additionally, it was realized that the behavior of the police acted to compound the problem of anti-Gay violence in a number of ways beyond its immediate effects. One of the secondary consequences of police brutality of Gays and Lesbians was that it presented an example and a justification for ordinary citizens to engage in violent assaults against these individuals. Another consequence was that hostile police behavior created a fear and reluctance on the part of Gay and Lesbian victims to report these crimes. This last factor, in turn, often resulted in a sense of powerlessness and a lack of faith in the law in these victims. Recognizing the significance of these consequences, the Gay and Lesbian community, through CUAV and other organizing efforts, mobilized to insist that the local government take policy action pertaining to anti-Gay police conduct.<sup>20</sup>

The policy actions proposed were basically threefold, and required that the city government put pressure on the police department to carry them out. The proposals were: 1) to issue a strong policy statement within the department to the effect that Gays and Lesbians were to be treated equally in terms of police services and conduct (as with other citizens), 2) that the police department should punish officers who engage in police brutality and harassment of Gays and Lesbians, and 3) that the police department should cooperate with the Gay and Lesbian community (primarily through CUAV) to aid in reducing the incidence of anti-Gay violence overall.<sup>21</sup> With respect to these proposals, there exist no easily obtainable documents which would verify the exact nature of the "dictates of change" within the



police department regarding police treatment of Gays and Lesbians. However, it was attested by members of the Gay and Lesbian community that changes concerning the above issues did, in fact, occur.<sup>22</sup>

In relation to the first policy action listed above, it was suggested by its proponents that some form of educational program about homosexuality be incorporated into police training. The purpose of this program would be to dispel the myths and misunderstandings surrounding homosexuality, and to present this issue in a more balanced manner to police officers. Out of this suggestion grew the current "Gay Lifestyles" seminar, which is taught by a Gay police officer to recruits during training.<sup>23</sup>

Concerning the punishment of police officers who engage in brutal conduct towards Gays and Lesbians, there have been a number of well-publicized incidents within the last two years which have demonstrated that such conduct had indeed been denounced by the San Francisco Police Department. Moreover, the officers involved in these incidents have been subjected to punishment by way of suspension or dismissal. While it is difficult to determine the consistency and the sincerity with which these punishments have been carried out by the police department, nonetheless, it is important to consider that punishment for anti-Gay police conduct has occurred subsequent to the organized efforts of the Gay and Lesbian community to draw attention to this issue.

Many strides have been made in the direction of police cooperation to work with CUAV on the problem of anti-Gay violence. CUAV staff members feel that their organization currently has a very positive relationship with the police department. Additionally, the police have been working cooperatively with CUAV volunteers at Gay public events in a security capacity, and CUAV members feel that the police department is generally quite responsive to calls from Gay and Lesbian victims of anti-Gay violence.<sup>24</sup>

## Gay Police

Another proposal directed at the police brutality issue was that Gay and Lesbian individuals should openly serve on the police force. This idea stemmed, in part, from the passage of the so-called "Gay Rights Ordinance" in San Francisco, which prohibited the discrimination of homosexuals in hiring for city jobs.<sup>25</sup> Since the police department fell under the jurisdiction of this ordinance, it made possible the recruitment of Gays and Lesbians to openly serve in the department as police officers. It was related to me by a Lesbian police officer who had been one of these early recruits that the sugges-

tion of hiring homosexuals to serve on the police force was not met with great enthusiasm by the department. Furthermore, there apparently were no legal means of compelling the department to engage in the active recruitment of Gays and Lesbians. At best, the department could be required to state very emphatically that it would not discriminate against Gay and Lesbian applicants to police positions.<sup>26</sup>

Given this set of circumstances, certain individuals within the community banded together to facilitate a drive for the recruitment of Gays and Lesbians to the police department. The activities of this group, which called itself the "Gay Outreach Program," included disseminating literature and holding meetings to provide information to interested individuals about the police profession and how to apply for police positions. Additionally, this group performed a "watchdog" function to ensure that the police department would not, in fact, discriminate against Gay and Lesbian applicants.<sup>27</sup>

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## ***'Many strides have been made in the direction of police cooperation . . .'***

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It was reasoned by the people involved with the Gay Outreach Program that having openly Gay and Lesbian officers on the police force would accomplish the following goals: One, that it would improve the relationship of the police department with the Gay and Lesbian community by creating a "Gay on Gay" interaction, which would then lessen conflicts between the two groups. Secondly, that it would serve a "coming out" function within the police department of homosexual to heterosexual police officers, and promote more understanding about homosexuality in this way. A third goal was to improve the relationship of Gay and Lesbian community with the police department, to give the department a better image with respect to this community, and to thereby encourage greater citizen cooperation from Gays and Lesbians with the police. Finally, the presence of openly homosexual police officers on the force would improve both the self-image of Gays and Lesbians, as well as their public image to the population at large; the latter, it was felt, would be influenced by the "legitimizing" effect of Gays and Lesbians serving on the police force. An extension of this last goal was to reverse the previous situation of the

police setting an example to the public for violent assaults on Gays and Lesbians.<sup>28</sup>

## High School Programs

Another area of proposed policy action was the establishment of educational programs about homosexuality within the city high schools. The proposed programs took two forms: one, was to allow a Gay and Lesbian speakers bureau to visit high schools and address students; the other, was to include the topic of homosexuality (presented in an unbiased manner) in high school sex education classes. Again, the Gay and Lesbian speakers bureau would serve a "coming out" function, while the course on homosexuality would further dispel myths and, hopefully, create a better understanding on the part of both heterosexual and homosexual students about the subject.<sup>29</sup>

The idea of including an objective presentation of homosexuality in high school sex education classes was suggested as far back as 1952 by the Mattachine Society.<sup>30</sup> Over 25 years later, this suggestion was given serious consideration, with a realistic possibility for implementation. The rationale behind this policy proposal in San Francisco was: 1) since the highest percentage of violent attacks against Gays and Lesbians was found by CUAV to involve young males (as assailants) between the ages of 16 and 25, it was thought that an education effort aimed at high school students would reach many who were in this age group, and 2) that since young people are particularly impressionable, it was important to reach both heterosexuals and homosexuals at a stage when they were forming their opinions about the world and about people in society.<sup>31</sup> An added concern behind these proposals was the harassment of Gay and Lesbian students, which resulted in emotional crises for these young people, as well as a high dropout rate among them.<sup>32</sup>

The present status of these two proposals is that the Gay and Lesbian Speakers Bureau was granted permission by the school board to visit high schools, which it has been doing for a number of years; and the inclusion of homosexuality as a topic in sex education classes (using the book, *Demystifying Homosexuality*, as a guide) has been approved by the school board and should begin implementation in the near future.<sup>33</sup>

## Prosecution Effects

One other significant proposal which involved government policy action related to anti-Gay violence was the cooperation of the District Attorney's Office in ensuring

that these crimes against Gays and Lesbians were duly prosecuted. To facilitate this goal, CUAV has been allowed to set up a "Client Advocate" from their staff in the D.A.'s Office in order to monitor the criminal justice proceedings arising from these violent assaults.<sup>34</sup>

## Conclusion

It is difficult to say whether the Gay and Lesbian community chose the most effective solutions to deal with the problem of anti-Gay violence. I believe that it is significant, however, that so many of their proposals have become actualities. Yet the exact degree of impact which these various solutions have had on the problem is not, in many cases, easily determined. For example, while the number of weapons confiscated at a Gay public event (such as Halloween night on Castro Street) is surely a quantifiable entity (although the number of violent incidents prevented by this action is less certain), attitude changes among heterosexuals who are affected by the programs outlined above are far less measurable. Furthermore, some of the efforts to lessen the problem may take years to demonstrate that they have been effective, as with the educational programs in high schools. Considering these factors, though, does not detract from the exceptional resourcefulness with which this community has addressed the problem of anti-Gay violence. Moreover, it is to the credit of those Gay men and Lesbians who were responsible for the formulation of policy proposals to deal with this issue that a rational and systematic approach was undertaken in assessing the problem.

Finally, it is important to point out that the efforts of the Community United Against Violence have, in recent years, been rewarded by city government by way of funding and numerous achievement awards. This "turnaround" in the government's attitude towards the problem of anti-Gay violence is an interesting one to reflect upon. And if one is prompted by this apparent change of attitude on the part of city government to think of the adage that "everything occurs in its time," such a conclusion must be met with a dissenting view. For if the Gay and Lesbian community in San Francisco had not assumed the responsibility to "make things happen" with respect to the problem of anti-Gay violence, there is good reason to believe that the time may never have been "ripe" for local government to give serious consideration to this issue. ■

## Footnotes

<sup>1</sup>Jonathan Katz, *Gay American History: Lesbians and Gay Men in the U.S.A.* (New York, N.Y.: Avon Books, 1976), p. 17

<sup>2</sup>Ibid, pp. 1-2

<sup>3</sup>Randy Shilts, *The Mayor of Castro Street: The Life & Times of Harvey Milk* (New York: N.Y.: St. Martins Press, 1982), pp. 53-58

<sup>4</sup>Ibid, p. 26

<sup>5</sup>Katz, p. 1

<sup>6</sup>Shilts, p. 55

<sup>7</sup>Katz, pp. 620, 624

<sup>8</sup>Shilts, p. 56

<sup>9</sup>Dick Stingel, "A Presentation by the Community United Against Violence to the Police, Fire, and Public Safety Committee of the Board of Supervisors," San Francisco, October, 1980, pp. 2, 5

<sup>10</sup>Personal Interview with Diana Christensen, Executive Director, The Community United Against Violence, September, 1985

<sup>11</sup>Katz, p. 17

<sup>12</sup>Personal Interview with Diana Christensen

<sup>13</sup>Stingel, p. 1, 6

<sup>14</sup>Personal Interview with Diana Christensen, and CUAV files

<sup>15</sup>Stingel, p. 3, 5, and CUAV literature

<sup>16</sup>Shilts, p. 368

<sup>17</sup>Ibid, p. 43

<sup>18</sup>Personal Interview with Diana Christensen

<sup>19</sup>Ibid

<sup>20</sup>Ibid

<sup>21</sup>Ibid

<sup>22</sup>Ibid

<sup>23</sup>Personal Interview with Lesbian San Francisco police officer, October, 1985

<sup>24</sup>Personal Interview with Diana Christensen

<sup>25</sup>Personal Interview with Lesbian police officer

<sup>26</sup>Ibid

<sup>27</sup>Ibid

<sup>28</sup>Ibid

<sup>29</sup>Personal Interview with Diana Christensen

<sup>30</sup>Katz, p. 626

<sup>31</sup>Personal Interview with Diana Christensen

<sup>32</sup>Charles Linebarger, "Schools Put 'Gay' into Curriculum," *Bay Area Reporter*, 24 October, 1985

<sup>33</sup>Personal Interview with Diana Christensen, January, 1986

<sup>34</sup>Ibid, and CUAV files



# A Feminist Critique: How Ideology in Political Analysis Affects Reproductive Policy

By Delia Garcia and Mary Scheib

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Policy analysis is a process which begins with the definition of a problem felt within the community/society and eventually leads to the formulation, adoption, and evaluation of public policy. The policy analysis method analyzes the problem in a three step process: 1) Identifying the attributes or the numerous ways a particular problem is experienced by the community. 2) Developing or using an existing causal model for the problem attributes. 3) Linking the attributes and causes to available government tools which theoretically will reduce the incidence of the social problem thereby increasing the overall welfare.

One of the goals of the analyst is to describe social reality in as objective and as value free way as possible. In other words, to remain objective through the use of empirically grounded inquiry. This paper will demonstrate that the analyst can only operate within some ideological framework, or value system which can neither be defended nor refuted on strictly empirical grounds. It is in problem definition that the ideological differences arise. How the analyst approaches the problem, and therefore the resulting policy will be different depending on the analyst's values. This paper will focus on problem definition to show how ideological differences are expressed in reproductive public policy. The conventional policy analysis process relies on the values

of individual market choices and government intervention and as such is inadequate to develop a feminist reproductive policy. We will argue that possibly the most objective inquiry arises from those who are most oppressed within society and therefore have the least "material or psychological interest in maintaining ignorance of the way the world really is." (Harding:7)

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***'In our view, women,  
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In our view, women, especially low-income and women of color are among the most oppressed social groups within American society. The current political climate has created a battle ground around issues which are central to the well being and the social needs of women, especially in reproductive policy. Since 1980, massive cuts in social welfare programs have continued to oppress women, especially low-income women and women of color. For example, increased eligibility standards for and reduced services provided by Medicaid have endangered the health of women. At the same time, women use more health care services than men because of their reproductive needs. Cuts for health care services mean most women have reduced access to prenatal care, contraceptives and most importantly, abortion services.

This paper will describe three ideological positions

as regards to reproduction and show for each the way in which its position creates a distinct policy approach, which is directly connected to and dependent upon that particular ideological view: an ideology which shapes their definition of the reproduction "problem" and in turn leads them to support/oppose a particular set of public policies. The groups are: Planned Parenthood, Right-to-Life/New Right, and the Committee to Defend Reproductive Rights. Each group is seen as centered on a different ideology.

Our concern and focus are the real conditions and social needs of women. Therefore, we will analyze how the various ideologies and their associated policy approaches affect and change the social welfare of American women. Finally we will argue that a feminist and women centered policy approach, which is social and collective in orientation and conducted by women, is essential for reviewing reproductive policy.

Ideology is assumed to be a particular set of beliefs, ideas, or values that reflect and rationalize certain interests (i.e., political, economic, institutional and/or social interests). It is a world view or value judgment which cannot be objectively validated, and therefore can neither be defended nor refuted on strictly empirical grounds. The particular ideologic perspectives used in this paper are Classical Liberalism, including contemporary conservative and liberal thought, Marxism, and feminism. Each will be argued to be the ideological core of one of our reproduction interest groups. For each interest group we will: a) discuss their historical, political, and economic context, b) identify their ideology and associated reproductive policy approach, and c) show how each relates to women, especially low-income and women of color.

## **Planned Parenthood: Individual Rights and Fertility Control**

Planned Parenthood was originally called the American Birth Control League which was founded in 1921 and headed by Margaret Sanger. Margaret Sanger coined the term "birth control" in 1915 associated with her socialist-feminist concern for the needs of all women to own and control their fertility. In her work as a public health nurse, Sanger was especially motivated to promote birth control by her experiences with poor immigrant women. Her original interest in a birth control movement came from her association with the Socialist Party and the IWW (International Workers of the World). After WWI, Sanger turned to physicians and Eugenists for economic and political support because support from the beleaguered political left had diminished. (Gordon: Chap. 9)

The Eugenics movement of the 1920's had its roots in the social Darwinist idea of "survival of the fittest." The Eugenists lay the blame for poverty on the poor themselves rather than the conditions with which they must live. (Petchesky: 85) They promoted the idea of selective breeding of the "fit" while discouraging the propagation of the "unfit" (i.e. the poor, immigrants, people of color, the insane, prostitutes). The individuals who initiated this movement were professionals: physicians, scientists, university professors of many disciplines, as well as corporate businessmen (e.g. Rockefeller, Fords). Eugenists based the "progressive" liberal concern for a quality society on presumably scientific data. This scientific base legitimized the Eugenic profession itself as well as ideas promoting social control of certain "unfit" groups. The development of these "race-improvement" ideas occurred within the context of massive social change, associated with industrialization, non-anglosaxon immigration, northern migration of blacks, and imperialist expansion. At the same time, the medical profession was consolidating its power and was also affected by Eugenist ideas, as in the call for "quality" motherhood to produce "quality" children.

The Eugenist embraced Sanger's movement in order to implement a policy of "negative" Eugenics (getting rid of the "unfit"). The physicians, on the other hand, were reluctant to support Sanger's movement until birth control could be medically defined. But the effect of both group's concerns was to use birth control as the means for state channeling and regulating the then common practices of both working and middle class women, the use of abortifacients and birth control to limit family size, in the name of progressive reform. (Petchesky: 76) The 19th century Eugenist/physicians program included: 1) the criminalization of abortion, 2) the "medicalization" of birth control and 3) compulsory sterilization laws for the "unfit". (Petchesky: 87) In short, physicians concerned with maintaining family values and Eugenists desiring to control population among the "unfit" collaborated with Sanger's birth control movement to pave the way for a policy population control.

After World War II, with the U.S. economic growth worldwide, the liberal idea of population control took hold. A population "explosion" was identified as a problem, in the U.S. and worldwide, by multinational corporate leaders who influenced governmental agencies and funded private foundations to "check population growth." (CARASA:17) The movement occurred during another period of social and economic change. One major aspect of this change was the increasing U.S. economic and political influence and control in Third World countries (eg. Puerto Rico). That is they used their natural resources, cheap labor, and opportu-

ities for scientific research and development (eg. reproductive technologies: the pill and sterilization) to expand their corporate interests. A second aspect was the role of the civil rights movement in the U.S. which called for equal opportunities for blacks. Black communities became politically organized against racism in the economic arena. (Petchesky: 118-9) At the same time with rapid growth in the U.S. economy and attention toward equal opportunity, the concept of the welfare state was greatly expanded. Government intervention was accepted as a proper means to solve social problems through government funded programs. These political, social, and economic features lent credence to the population control argument: poverty and instability had been caused by over-population. Government intervention was necessary to curb the number of births among the poor for the benefit of the individual and society.

Planned Parenthood is a private non-profit population agency whose world view is based on the dualism of liberal thought. The individual right to gain welfare through market choices exists along with the "public service" ethic of government responsibility for the poor. This dual ideology of Planned Parenthood leads to a dual problem definition: 1) The rights of an individual woman to control her own fertility. 2) The individual poverty and high societal costs of unintended pregnancies.

Planned Parenthood's double policy framework makes sense in light of the dual ideology and problem definition: a) maintain individual rights and b) fertility control of the poor. An example of Planned Parenthood's policy for individual right is the organization's support for abortion rights. Abortion is held as a legitimate back up choice for less effective methods of contraception. However, abortion is not viewed as a particularly cost efficient means of fertility control. Such a position comes out of the second part of the problem definition. As a non-profit agency, Planned Parenthood relies heavily on governmental funding. The method used to gain financial support is cost-benefit analysis which defines the benefits in terms of cost savings for un-used health and social services and cash benefits. This is suggesting that these benefits would have been paid had these pregnancies occurred. (Brindis, Zabin) Such a form of cost-benefit analysis tends to ignore the individual benefits which might accrue to the low-income woman who use family planning services. The welfare of individual tax-payers becomes the argument for programs which call for fertility control of low-income women and women of color. The policy approaches of this second aspect of Planned Parenthood ideology emphasizes both educational programs and the use of highly effective methods of contraception for these women (ie. the "Pill" and IUD). Such women

and their fertility are seen as a drain on societal welfare. (Petchesky: 96)

## **The New Right/Right-to-Life: Rebirth of Traditional Family Values**

The Right-to-Lifers began to organize in the late 1960's and early 1970's as direct reaction to the various liberal and radical social, economic, and political movements of the time: government anti-poverty programs, the liberalizing doctrines within the Catholic church, the civil rights movement, and especially the women's movement, (the last being both cause and effect for changing family structures and the roles of women). The first Right-to-Life groups formed within the parishes of the Catholic Church. This occurred around the time of liberalized state abortion laws and the Supreme Court decision of *Roe v. Wade* in 1973 which decriminalized abortion. Although the movement grew slowly during the early 1970's, it identified abortion as a symptom of moral decay, and redefined the embryo/fetus as a potential child. During the late 1970's the Right-to-Life groups formed a coalition with the New Right and fundamentalist Christians; the single issue cause of anti-abortion acted as part of the foundation which created the momentum for the New Right political agenda. The New Right gathered together single interest groups concerned with abortion, gun control, military spending, and busing to gain constituents for the political elections of 1980. (Petchesky: 255) During this time the Right-to-Life groups became synonymous with the New Right, along with the fundamentalists. This coalition enabled all three groups to gain power and notoriety at a national level and in the process anti-abortion became a national cause. Once abortion became a highly visible national issue it became a symbol for the breakdown of traditional American values, especially the nuclear family. The profile movement was transformed into a pro-family movement. (Petchesky: 246) (Paige: Chap. 2,3,6,7)

The Right-to-Life/New Right policy problem identification as the breakdown in traditional values has its roots in neo-conservative ideology. The nuclear family, the church, and the free-market are the structures which create the social stability which then insure individual's well being. These stable structures provide a moral guide for social behavior and therefore must be maintained. For the New Right, the male headed nuclear family is the model for roles of men and women. Women are seen as the producers of children and primary caretakers of the family unit. (Luker: 163) Men are viewed as economic controllers of the family unit with consequent rights and responsibilities toward



it. The well being of the entire family unit is dependent upon the choices or decision by the man within the free market. (Petchesky: 248)

The underlying neo-conservative ideology of the Right-to-Life/New Right has many implications for reproductive policy. The Right-to-Life movement calls for the decrease of government intervention related to several reproductive policy issues. The Hyde amendment of 1977 is an example. It cuts off federal funding for most abortion services that specifically serve low income and minority women. (Petchesky: 132) The basis for the Hyde amendment is the distinction between "a state created obstacle" to reproductive freedom and the government's obligation to actually provide the services. This legislation asserts that the state is not obligated to pay for abortions but that this does not interfere with the woman's right to obtain one, i.e. the market provides for the potential opportunity for any woman to obtain an abortion. Furthermore, the Hyde amendment supports the Right-to-Life/New Right ideology in support of the nuclear family by saving the life of the fetus. Those most affected by this legislation are low-income, unmarried, and minority women headed households. The Right-to-Life/New Right proposals for ending poverty are; the strengthening of the male role in those families by encouraging hard work and thrift; thus allowing the woman to return to the home. (Petchesky: 251)

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### **'... "reproduction affects women as women" ...'**

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Another major theme in Right-to-Life/New Right ideology is a conservative moral and sexual code needed to control man's basic perversity. Sex is seen as sacred. Sex is permissible only within the confines of the nuclear family for the purposes of procreation. Therefore the fetus is seen as the sanctified product of married life. Subsequently, the Right-to-Life/New Right call for a Human Life Amendment "that would not merely recriminalize abortion but expressly declare the fetus a human person." (Petchesky: 262)

The conservative moral and sexual code also extends to policy regarding teenage sexuality. Two approaches concerning teenage sexuality are parental notification for the useage of contraceptives and abortion services as well as the teaching of abstinence and chastity in the public schools. Both are seen as the

means to reduce high rates of teenage pregnancy. (OFP-Analysis) An apparent contradiction in this group's policy approach is the simultaneous call for decreased (Hyde amendment) and increased (Human Life amendment) government intervention. It is obvious that the Right-to-Life/New Right see government intervention as a necessary tool to implement the conservative moral code.

### **The Committee to Defend Reproductive Rights: True Reproductive Freedom**

Feminist thought reflects the various values, beliefs, and ideas that arise from women's experiences. Feminists maintain that the dominant modes of thought not only fail to address the realities, experiences, or conditions of women, but also devalue women. Feminist theorists, therefore, utilize various ideologies to critique male dominated society and to validate women's experience. Feminist thought derives from multiple and varied theories with some overlap between these various ideologies. Here we are using three main feminist modes of thought which include: radical-feminism, Marxist-feminism, and liberal-feminism, all of which are complementary to our analysis. One theoretical constant in these modes is the recognition and sensitivity to racism which prevails in this society along with the oppression of women.

The feminist movement of the 20th century came out of women's experiences within the civil rights movement. Both black and white women in the civil rights movement experienced sexist attitudes from men within the movement. The men took leadership positions, while the women were the workers. As the women's movement developed, a split between black and white women emerged. White middle class women defined their oppression in terms of their role within the family unit and their relationships with men. The "personal as political" became a major focus for white feminists who organized in small consciousness raising groups. The black women's movement existed simultaneously within the context of the black civil rights movement. Black women experienced their opposition not only in relation to men but especially from race and class differences within American society. Ultimately, this split resulted in the initial failure of the 1970's movement to articulate a broad based feminist ideology, but provided the impetus for re-evaluation. Although class and race bias still exists within the movement, feminists are attempting to gain a broader consciousness which would incorporate the experiences of all women.



The Committee to Defend Reproductive Rights of the Coalition for the Medical Rights of Women (CDRR/CMRW) is an example of a feminist health organization. This organization works at incorporating experiences learned from the early 20th century women's movement in relation to reproductive freedom. Founded in 1974, the CDRR/CMRW is a San Francisco based feminist organization of health activists, including health consumers and health workers with various political beliefs. They first organized around the issue of the unregulated marketing of the IUD and its use-related deaths. The fight for IUD regulations sparked the collective energy within the women's community. The work style and policy objectives of the CDRR/CMRW are based on the value and belief in collective responsibility. Decisions are made by consensus and projects are selected by a feminist criteria which includes improving access to care. An important goal of the CDRR/CMRW is to increase women's power in relation to the medical system.

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***'Women are gaining more educational opportunities; they are living in non-nuclear family settings; they are delaying marriage and childbearing; . . .'***

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The policy problem for feminist organizations such as the CDRR/CMRW is: the lack of individual right of the woman to control her own body and the failure of society to meet the social needs of women. This includes those women who have the least ability to exercise reproductive freedom because of low-income or racial background. A two part feminist ideology serves as a basis for this problem definition and the resulting policy position.

The first part is the concept of individual right which is a meshing of three perspectives: in the liberal view, control over one's body is essential for being an individual; the Marxist view however, places the individual in his/her social context. The individual control over one's body is a "requirement of being a person and engaging in conscious activity." Finally, a radical-

feminist idea of the individual comes from the biological fact that "reproduction affects women as women; it transcends class divisions and penetrates everything—work, political and community involvement, sexuality, creativity, and dreams." (Petchesky: 4-5) The policy suggested by "individual right" is abortion on demand as a particularly women-centered means of fertility control. Abortion separates sexuality from reproduction because it occurs "after the fact to end a particular pregnancy; its focus is the pregnancy itself, not sexuality . . ." (Petchesky:29) For example, the historical use of abortifacients in the 19th century were viewed as the means for women to "become regular," to get back to their regular monthly cycle. (Gordon)

The second part of a feminist reproductive policy consider the social needs of all women. This is essentially a Marxist-feminist perspective. This perspective focuses on two Marxist concepts both of which place women's experience within an historical, social, and cultural context. The first is the production/reproduction of everyday life or the social activities which define the nature of being human. An example significant to reproduction is the concept that the various expressions of sexuality (heterosexuality, homosexuality, bisexuality) are derived from the various cultural, economic, and social contexts in which they occur. Also significant here are the various social expressions of motherhood and the family which are also mediated by their particular contexts. The second Marxist concept centers on class and gender conflict. In a capitalistic society class differences will always exist; and conflict between the classes will be constant because of the need of the owning/producing class to gain profit at the expense of the working class. The idea of conflict in a capitalist society extends to several areas of social life including gender and race divisions. (Ball) Because of differences in gender roles, reproduction is an area of constant conflict between men and women. An example of this gender conflict, which is also connected to class conflict, are male controlled pharmaceutical companies and the male dominated medical profession. Both produce and promote profitable technologies known to be harmful to women (e.g. pill and IUD). Equally important are the differences in the quality of reproductive health care for low-income women and women of color. (Petchesky: 10) For example, regarding reproductive issues, public policy has "exhibited a double standard based on race and class—relative freedom for some women (e.g. choice of sterilization as an option), coercion for others (e.g. sterilization as an option), coercion for others (e.g. sterilization abuse among women seeking governmentally funded social services)." (CARASA: 17) These ideas of the production/reproduction of daily life and class/race/gender divisions compel feminists to ques-

tion the basic structures of this society which fails to meet the social needs of women.

## Feminism and Policy Analysis

This paper has illustrated a variety of perceived problems concerning reproductive policy. Perhaps the difference in these perceived problems and their attributes are the products of a society that is changing. For whom is "over-population" and the "breakdown" of the nuclear family a problem? Objectivity about the way the world really is can be obscured by the self interests of powerful political and economic forces. (Harding) Population control and Right-to-Life/New Right ideologies can exist simultaneously in our society because they are both concerned with the state appropriation of women's fertility and sexuality. Human beings are elements of state power and wealth which can be controlled by controlling women's sexuality. The state attempts to direct who will raise and socialize children. A problem can exist in that the state may promote the means of fertility control which are then used by the "wrong" women (i.e. middle and upper class white women). While population control groups like Planned Parenthood advocate the limiting of fertility among low-income women and women of color, the Right-to-Life/New Right encourages the fertility among women with traditional family values. (Petchesky: 68-71)

The social conditions of women and therefore their social needs are indeed changing. As more and more women move into the work force they have gained relative social and economic independence. The women's movement is both an effect of these economic changes, but also the cause of greater relative freedom for women. Women are gaining more educational opportunities; they are living in non-nuclear family settings; they are delaying marriage and childbearing; some women are choosing their own modes of sexual expression including celibacy, lesbianism, bisexuality, and heterosexuality.

What do these changing social conditions and needs of women mean for a feminist reproductive policy analysis? The policy analysis process can be useful to show how ideology produces policy. However, from our feminist, neo-Marxist, eclectic perspective, policy analysis as it exists today is constraining. Policy analysis methods (eg. cost-benefit analysis) are based on classical and contemporary liberal ideology. It can only incorporate social change from a liberal point of view. It would therefore appear to be a contradiction to use policy analysis to develop a feminist policy approach. Feminists can not base what is best for society on what is best for individual gain because the individual can not

be isolated from her social context. A feminist evaluation of social welfare must be based on the social needs of all women.

What is a feminist policy agenda for reproductive freedom for women? As Petchesky outlines, such a feminist policy is based partly on the concept of the "personal as political." The most intimate aspects of sexuality and reproduction in a feminist perspective are explicit areas for public concern and policy. The social and collective, more than private, aspects of reproduction and sexuality are emphasized. The current feminist policy agenda is the continued fight for reproductive equality for women. This fight will defend the feminist gains of the 1970's against the current right wing attacks (e.g. maintaining state funding for abortion services; and continued support for feminist organizations like CDRR which are struggling to survive economically). A feminist future will transform society to provide for reproductive conditions which would support reproductive freedom. Concern for the individual woman makes control over one's body an imperative part of the overall feminist health agenda. Thus, abortion and safe and effective contraception will be seen as an integral part of women's health. Concern for the collective will have several expressions. Traditional and non-traditional medical care will be integrated to form a new holistic definition of health which will be understood to include all aspects of the person. Culturally, men and women, and all of society will be equally invested and engaged in the raising of children. The multifaceted expressions of sexuality will be recognized as a positive aspect of the individual rather than a deviation; thus leading to a new sexuality. The society will provide the economic necessities for this liberation, (e.g. health care, child care, adequate jobs, and income, changed sexual divisions of labor, education, and a safe environment).

As feminists and authors of this paper, we recommend that changes such as these must occur within society for true reproductive freedom to exist. We also acknowledge that these ideas are non-conclusive because as time changes, political, economic, and social conditions and ideas will change for individuals and society. A feminist description of reproductive freedom is not static and will therefore need to be continually re-defined within the context of a women's movement, and from women's collective and individual experience.

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# Urban Action Interviews: Sue Hestor

By Daniel Meyers

Editorial Assistance  
by Lorraine Lucas  
and Amy Wolff

**S**ue Hestor is a lawyer and founder of San Franciscans for Reasonable Growth. She has been active doing political work, since the mid-1960's, when she worked as a student organizer and was the Midwest Coordinator for the National Student Association. In San Francisco, she was active in coordinating the Vietnam War Moratorium in the Bay Area.

Ever since helping put an anti-highrise initiative on the ballot in 1971, Sue Hestor has been extremely active in development issues in San Francisco. For years, she has demonstrated a passionate commitment towards achieving greater citizen involvement and influence in the planning process. We spoke to her to learn about her views on planning and development issues in San Francisco.



*Urban Action: How did you first become involved with development issues in San Francisco?*

Hestor: By working on the 1971 highrise initiative. It was the first initiative that dealt with downtown San Francisco, and was drafted by Alvin Duskin. In 1970, I had been working out on the streets doing voter registration, and had done a very successful campaign mobilizing people, mostly students. Before that, I had worked for 1½ years for the same planning and architecture firm both in Washington, D.C. and San Francisco, so I had some planning and architecture background at the time. Other people disappeared after that first campaign with the Duskin initiative, but I kept doing it because I got hooked!

*Urban Action: What were the basic issues that the Duskin initiative brought up, and have they changed with the following initiatives that you have worked on?*

Hestor: Oh, they have changed dramatically. The first two initiatives, in June of 71 and 72, were architectural issues, they were planning initiatives as well, but they dealt primarily with the design of buildings. They said that one shouldn't build more than six stories, or 40 feet, without having the people vote on it. There was an understanding of the impact that was being made on traffic and on views, but the understanding wasn't that sophisticated yet. Fifteen years ago, people were just starting to see the beginnings of the expansion of the financial district with the concentration of new office buildings.

As things progressed in the 70's, it became clear that there was enough of a movement to talk about growth in the City and the expansion of downtown. One candidate for mayor, Moscone, campaigned on the platform that he would not allow his planning commission to approve any of the highrises. After Moscone won, downtown development dropped off dramatically



during his administration. But during the last years of the Alioto administration, with Moscone campaigning against the highrises, the developers made a rush to get permits in 1975, right before Moscone took office.

Then Feinstein came in and totally changed the game, and under her administration, new development projects started coming through like there was no tomorrow. At that point people stated again to address the need to go to the voters because the new Mayor was simply out of control. So the 1979 initiative was very different from the 1971 and 1972 initiatives, it broadened into more sophisticated architectural questions such as density, not just heights. San Franciscans for Responsible Growth (SFRG) was the organization that was formed to deal with the initiative's campaign. It was an attempt to deal with the allowable amount of density downtown by changing the floor area ratio (FAR). For example, if you have a FAR of 4:1, and a lot with 1,000 square feet, then you can build up to 4,000 square feet. But if it is a 10:1 ratio, you can build 10 times 1,000, and you have 10,000 square feet of building. We changed the "FAR" and got, for the first time, into the transportation and housing linkages, so it was an attempt to address more than just height.

By 1983 we had organized a core of people who were focused on downtown after the 1979 initiative. This on-going group of people started jamming the City during the election campaign, saying that these development issues needed to be addressed. The City responded by saying, "Well, we'll do a study," and then started what turned out to be the Downtown EIR. The Downtown EIR is based on work that was controlled and done by the Chamber of Commerce. It wasn't really an objective downtown planning study. The Chamber raised the money and controlled the consultants, and then because of pressure from SFRG, it became the Downtown Plan and EIR. While all of this was going on in 1979, we had been raising very serious questions about linkages with traffic, linkages with housing, open space, and with how much capacity the City had for new office development. Between 1979 and 1983 there evolved a clearer understanding of these issues because people were better aware of how they affected their lives. The City had allowed an enormous increase in demand for housing for new office workers, but at the same time the housing market wasn't growing, it was shrinking. Much of the housing had been taken off of the market because of condo conversions, conversions to tourist uses, or developed into commercial office space.

By the time the 1983 initiative was drafted, we had been working on getting the City to make linkages to housing, transit and open space. It was a broad based planning initiative, putting these issues to the City, and saying that we wanted the City's planning priorities to

be concerned with the City's residents and their needs; how to get work, affordable housing and having sunlight in the streets. The mechanisms we suggested were housing fees and transit fees, and all of these linkages were made explicit in the 1983 initiative. At the same time, we had been going to the voters, to the supervisors and the City Planning Commission with this need for linkages. Over the past couple of years, we laid the basis for the idea of placing housing fees on developers, and started actively promoting that idea.

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**'The whole thrust of the current administration has been to deal with multi-nationals, big corporations, and with people who can write enormous checks for the Mayor's political causes . . .'**

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*Urban Action: And how did the Planning Commission react to that?*

Hestor: With all of our pressure on the Planning Department to place housing fees on developers, we got them in December of 1980 to agree to those fees, but they were still only voluntary for the developers. In 1982 we started raising the child care issue. The transit fee was raised by a group called the Citizen's Budget Task Force, which was formed after Proposition 13 was passed, and was made up of labor groups, neighborhood associations, environmentalists, and other citizen's groups. This group was concerned that Prop. 13's budget cuts would cause havoc for public services in San Francisco; one of their ideas was for transit fees.

All of these issues and initiatives have evolved because people's consciousness had been evolving and no longer is it just a question of a highrise initiative. There is no such thing as an anti-highrise initiative anymore; now we are also concerned with having controls and linkages tying new development to the issues of affordable housing, adequate transportation, and maintaining open space in the city.

*Urban Action: How does the 1986 initiative take its*

*place in the evolution of initiatives?*

Hestor: Well, it doesn't deal with heights and it doesn't deal with a housing fee. What we were doing for in 1986 and what we were planning for in the past two years was an annual limit. We had been doing our homework, and lo and behold, last year we had the votes on the Board of Supervisors for an annual limit. The Mayor was so frightened that the Downtown Plan was going to go down without an annual limit, that she came up with a very wishy-washy one of her own. At least we don't have to legitimize the concept of an annual limit because now we have one in San Francisco.

I'm not a spokesperson for the 1986 initiative, though I am involved with them, and right now we are focusing on tightening up the annual limit so that it is tied permanently to the City's capacity to expand the transit system. Because the few of us who actually try to read and understand the documents that underlie the Downtown Plan, know that the assumptions being made are really mind-boggling. They are assuming that there will be a shift in transit ridership going from about 53% of the people using transit to 70% because it's the only way that their numbers can work. But if there isn't an enormous change in transit capacity to accommodate the new workers, many of whom are commuting from the East Bay, the City won't be able to function. They are also making enormous assumptions about increased transit capacity, where all of it is based on federal funds, but I read the paper and know that those funds are in very serious trouble.

*Urban Action: How does the research of San Franciscans for Reasonable Growth compare with the research and projections made in the Downtown Plan and EIR?*

Hestor: We think their figures are "cooked." Our initiative will be an attempt to hold them to their own cooked figures, and what can the Planning Department say at this point, that they lied? There is almost no dialogue on the Planning Commission, and they do not have to face people who have follow-up questions and are prepared to force answers. When you appear before them, the Planning Commission president appears to think that citizens are an irritant to be avoided rather than people to be dealt with honestly. That attitude cuts the department off from answering questions. We would get up and say, "Well, wait a minute, we have a problem with this number, we have a problem with this assumption," but the staff had been instructed not to respond. When it went before the Board of Supervisors, which doesn't tolerate that kind of thing, they asked the Planning Commission for answers to our questions, and they would get responses. Some of the questions that were asked concerned intersection capacity and merge traffic levels. The response from the Planning Department

was shocking. They got up and made two really raw statements. One, that the Bay Bridge is no worse than it was in 1970, and that there has not been an increase in rush hour traffic, and that there are fewer cars entering downtown San Francisco than there had been historically over the past twenty years. They claimed that the traffic downtown is better now than it's ever been, and they based those conclusions on their statistical analysis of historical data. Well, that a crock of you know what, and anyone who thinks that the Planning Commission speaks the truth simply doesn't go out in downtown San Francisco.

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**'... the Planning Commission president appears to think that citizens are an irritant to be avoided rather than people to be dealt with honestly.'**

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*Urban Action: Why is the Planning Commission so unresponsive to SFRG's suggestions and research?*

Hestor: Because the Mayor has appointed commissioners and told them they must do her bidding. They are not there to independently look at the evidence and weigh it objectively. When Dianne Feinstein says "jump," they jump, or they must get off the Planning Commission. It is extraordinarily explicit and everyone on the Planning Commission knows that. The only commissioner who goes against that is Commissioner Bierman, and she is always risking being removed. The reason Feinstein doesn't remove her is that it gives the Mayor the illusion that there is some kind of open process when there is one person who speaks up. The others are ciphers, and if I had them under penalty of perjury . . . and they were being honest, because there are still people who are willing to perjure themselves, and I asked them if they read the Downtown Plan and EIR from cover to cover, I wouldn't get a single "yes" except from Bierman. I know she's read them. It's obvious she reads these documents because she gets up at the commission meetings and tries to puzzle them out. The others are just on automatic power, and they are not reading the documents before them. I don't think Dean Macris reads them. I think maybe two or three

low-level staff people read them and work on them; that's all.

*Urban Action: What would you and the San Franciscans for Reasonable Growth propose to be the appropriate "cap" on new office development, through to the year 2000?*

Hestor: Somewhere between 1/2 million and 1 million square feet.

*Urban Action: Is even that much still needed?*

Hestor: No, it's probably not, but it's hard to justify a position of zero growth.

*Urban Action: What about Proposition F?*

Hestor: Well, Proposition F had no analysis. It was a silly initiative by someone who was not, and has not been involved with any of the stuff that dealt with the development issues of downtown, someone who just wanted to put something on the ballot. I think Proposition F was an attempt to exploit real community sentiment that was saying that things had gone too far. I think the way you properly deal with the reality that things had gone too far, as well as people's perception that things had gone too far, is to put an intelligent measure on the ballot that still leaves some room for the City to grow. I don't think it is a good idea to have a 10 year moratorium, but I may change my mind if things keep going the way they are going.

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**'Yuppies who live here  
for five years because they  
are working at Standard Oil  
and then are going  
somewhere else, aren't  
going to have a  
commitment to the City.'**

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*Urban Action: What about the so-called "49er's," the buildings under 50,000 square feet, and would you include them in your 1/2 million to one million "cap?"*

Hestor: I would count 49er's, and I would also impose the housing obligation on them. I think you need to have some minimum number of square feet that is exempt, but it should be very small, approximately 10,000 to

15,000 square feet and outside of the downtown area. Normally you translate every 250 square feet into one worker. When you're talking about a 10,000 square foot building, you're talking about 40 people in an office building and that's a lot of people. Forty people is definitely a very healthy small sized office building. What we are starting to see is that the City has created this incredible incentive for building 49ers because they have a market advantage, since they don't have to pay a whole lot of fees. In fact, there is no housing fees for 49ers, so their construction and rehabilitation costs are less than someone who builds 51,000 square feet. Right now, across from the school district, at the northwest corner of Fell and Franklin, there is a former bread company where a 49er was proposed and the Planning Department was ready to approve it. A 49,900 square foot building at Fell and Franklin, on the west side of Franklin, with 200 new workers is totally out of scale. There is nothing like that west of Franklin Street other than two public buildings.

*Urban Action: What about recent articles in the Bay Guardian saying that the real source of new jobs in San Francisco are in small businesses with 20 employees or less and many of these businesses which are in the South of Market area could be pushed out by the downtown plan?*

Hestor: The City has no plan for addressing those problems. The whole thrust of the current administration has been to deal with multinationals, to deal with big corporations, to deal with people who can write enormous checks for the Mayor's political causes, whether they be Mondale for President, the cable car restoration fund, Dianne Feinstein for Mayor, or Dianne Feinstein's dinner committee. Those people, those developers, and those corporations are the people the Mayor's really looking after. People South of Market are in this incredibly tenuous position of not being able to project how long they will be able to be where they are because they have a 30 day cancellation clause, or 30 day demolition clauses, or a 30 day, month to month lease. It is this instability along with an inability to get a lease, that is a tremendous factor causing people to move out of the City.

*Urban Action: Suppose there was a stringent cap on new office development created. Could that cause a reaction by established businesses and corporations in San Francisco to move out of the City and thereby produce a loss in needed revenue?*

Hestor: I don't think it's a factor. We are looking at a surplus of about 10 to 15 million square feet of office space. I have a hard time saying that the City doesn't have the space for them. The factors that have been



driving companies to relocate have been factors related to housing, rather than office rents. Look at the really big moves that have occurred or have threatened to occur in the past 5 years. Fireman's Fund moved to Marin County, not because they needed to expand (when they owned their own buildings, and a lot of land), but because most of its work force lived outside of San Francisco. Pacific Bell moved because the national restructuring broke them up into a lot of little entities. They own entire blocks South of Market, and they have enormous amounts of construction there. But their move was to a large extent a response to where their work force is located which is in the East Bay.

We have had, and will continue to have, enormous corporations that are vulnerable to things totally unrelated to San Francisco and its laws. What is going on with Bechtel and Bank of America has absolutely nothing to do with San Francisco. Bechtel is in a worldwide pinch because of large contracts, and Bank of America is going to be laying off people. It has nothing at all to do with San Francisco and office space limits. All of the space they need is available right now. People use the annual limit as a club for their own political ends in the business community. I don't think the City should be defining who is going to live in the City and who the City works for by letting the Bank of America or Bechtel or "X" corporation define how the rest of us are going to live. I think that they have to get in line and be factored in like the rest of us, and they should not have the ability to determine how we will all live.

*Urban Action: There was a case where you and SFRG had worked with a developer who had planned a building at 501 Montgomery Street that would cast a shadow on Portsmouth Square. Toby Rosenblatt of the Planning Commission described the out of court settlement that SFRG and you managed to get with that developer as being an "usurpation of powers properly within the public's domain."*

Hestor: Right, Toby Rosenblatt interprets his role as being one of seven people who are the only ones entitled to make decisions about the future of this City. It is called an elitist perspective—it is not a democratic perspective; it is an oligarchy in political terms. Toby Rosenblatt is comfortable with an oligarchy; I am not. I don't think that the Planning Department, which makes decisions based on political deals between the mayor and developer, and then tells the Planning Commission how to vote, has the right to override the interests of the people of the City. The fact that Toby Rosenblatt is unhappy doesn't bother me in the slightest. We have a legal system that says if they haven't acted in accordance with the law and you don't like the decision, you have the right to go to court. Toby wants people to just

accept the fact that he has perfect wisdom, but he doesn't have perfect wisdom—he has perfect instructions on how to vote. What upsets me is that he's not using independent judgment; he does what the Mayor tells him to do, and the Mayor tells him what to do based on political decisions and on campaign contributions from developers. Toby Rosenblatt says that I have to stay out of the process, my clients have to stay out of the process, people in Chinatown have to stay out of the process, because he has the power; well f--- him, and you can put that in your story.

*Urban Action: You say that we have a legal system that allows us to take Toby Rosenblatt and others in the planning process to court if they don't abide by the law, is that really enough? Or do you think that the main public officials in the Planning Department or Planning Commission of a city should be elected, or if not elected, should there be some system whereby their appointments could be periodically reviewed by the electorate?*

Hestor: I think that the current systems where the mayor has the ability to fire people at whim is very unhealthy, but it depends on the mayor. If you are a mayor who thinks that your job is to appoint the best people you can find and give them their leave, and tell them "Go, you know what I care about, go do good." Then I think it is a healthy city, whether or not you have the power to pull their chain at any time. I think that was what Moscone was doing with the Planning Commission, or was trying to do. We now have a mayor who is so insecure that she feels that she has to, by threat, impose order and decisions on her planning body, which is a body that is supposed to be making decisions based on evidence before them; but the Mayor doesn't even have that evidence. The Mayor may have a delegation of people coming to her and trying to convince her that the city should have a particular project; and the Mayor then gets it through the Planning Commission because she instructs them on how to vote. But the information that is legally required to be before the commissioners—in many cases an EIR—is different than the information which the Mayor has. The Mayor doesn't read those EIRs, she doesn't even know what's in them, and the legal system says that the Planning Commission is supposed to be making their decisions based upon certain kinds of information before them. Ultimately, what the mayor is doing is illegal. I think it's politically indefensible to be telling the citizens of the City that they do not have a chance to have a fair hearing because the decisions are being made somewhere else.

*Urban Action: You say that the system, as is, would work depending upon the mayor, but is that a sufficient*



*safeguard, to depend just upon the particular mayor in office?*

Hestor: I think that Dianne is stirring up a lot of trouble and now there are a lot of people who would like to have an elected Planning Commission because if you had such a system in San Francisco, the developers, who have the money, would elect the Planning Commission which would lead to even more corruption. I do think that a better approach would be to have Planning Commissioners appointed for a specific term by the Board of Supervisors, not to be removed by the mayor, and have it made extremely clear that they were to make decisions based on the evidence before them and not based on political pressure. I don't want an elected Planning Commission; I don't think that it would work in a city this size.

*Urban Action: What role or need do you see for regional planning bodies and what kind of decision-making power and authority do you think they should have?*

Hestor: I think that the planning that is going to come regionally is going to be forced on the government agencies. What's happening now is a citizen revolt in the entire Bay Area. I have contacts and work with enough people regionally to know the frustration that exists in all of the cities, especially in the East Bay. They are facing dramatic changes in their cities, in part because they are the commuter's bedrooms for San Francisco, and also because they are going through development binges of their own based on decisions of past city councils. So, what's happening in San Francisco is not unique, what's happening in the Bay region is that we have in one sense "communities" that are ahead of their own cities. But the official Bay government entities are so impotent that they are totally useless. ABAG is a silly body; they really don't do anything. They haven't done any planning because the politicians won't let them. I think that in a couple of years there may be the potential for a combination of the citizens in the various counties, having taken over their city governments and imposed different planning systems, to join together and confront the larger issue of regional planning. One of the things that happens when San Francisco builds 10 million square feet of office space downtown is that we create an enormous demand for housing, for roadways, for transit systems and other services that the East Bay communities end up providing to support San Francisco.

*Urban Action: And that kind of thing is not figured into San Francisco's Downtown Plan (DTP) or Downtown Environmental Impact Report (EIR). How do you think it could be or should be?*

Hestor: Well, I don't know. At this point I think the way that it is going to be factored in is when the communities in the suburban areas start getting involved in the EIR process. It was discouraging, but I guess just realistic, that there was little input from other counties on the DTP and EIR. One of the assumptions in the DTP is the expansion of Highway 17 up to the Carquinez Bridge, north of the Bay Bridge, with High Occupancy Vehicle (HOV) lanes. For example, the HOV lanes only will work if they ban truck access in Emeryville. The way the Bay Bridge access goes through the industrial part of Emeryville, which has a lot of trucking, those HOV lanes would get all jammed up. It's going to take Emeryville, yelling and screaming about San Francisco trying to juggle their figures and assuming that there are going to be certain traffic improvements, to force the issue regionally about whether the East Bay is going to take these modifications in the freeway. But right now, San Francisco is acting as if someone else were responsible to do what we aren't doing ourselves.

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***It is important that  
people get involved in  
defining how they want to  
live and fight for it . . .'***

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*Urban Action: So could you imagine the formation of such a group as the Bay Area Citizens for Reasonable Growth?*

Hestor: The linkages are already there, but they're dormant right now. People have just gone through an intense period of their own community initiatives. I know the people in Corte Madera, in Walnut Creek, and in Berkeley. We all talk to each other, and we will probably do some regional organizing, but it takes a lot of work. But it's coming, and it's inevitable. The question that needs to be raised, the real basic question, is not just how much development should occur in San Francisco, but how many people could comfortably live in the Bay region? Are we pushing ourselves insanely beyond that capacity in all of our little communities? Moreover, can the Bay region increase comfortably or are we going to whack ourselves out so that we become a sort of Boston to Washington corridor with a terrible living situation? Right now we have no regional government able to address these questions.

*Urban Action: That brings to mind the Mission Bay development as a wild card that could potentially have a great effect on the whole Bay Area. Although only still in its early planning stages, what kind of effect do you think the Mission Bay could have on development patterns in the Bay Area?*

Hestor: It's going to drastically change the waterfront. The Mayor cut a deal with Southern Pacific before there was any public input. Now, only after the decision has been made, do they go through the charade of the public participation process. The amount of commercial development that is in her agreement is much beyond the amount that the City has the ability to service. The City's ability to develop totally new transit systems and roadways in that area is nowhere near the level that the Mayor assumed could be accomplished. If the City is able to control Mission Bay, so that it becomes a residential area, it would be a great asset to the City.

*Urban Action: But is that decision by the Mayor with Southern Pacific irreversible?*

Hestor: No, it's not irreversible. It depends on how many supervisors are also heavily influenced by Southern Pacific, which has, as a corporation, not been reluctant to use economic power over elected officials.

*Urban Action: What about the proposal to invoke eminent domain over the area, and have the city develop it with a much higher degree of community input?*

Hestor: I don't think we need to go that far. I think people have forgotten what zoning laws are for. Zoning laws can do the same thing, I don't think you need to take it by eminent domain. I think that the City can say this is the kind of development that we will allow here, and then have design review. I think that going through eminent domain opens up a whole other can of worms, and Southern Pacific would just campaign against it on the grounds that it's a waste of money for the City.

*Urban Action: So do you think that through the existing zoning process and design review, the Mission Bay complex, of more than 200 acres, could actually help stem the tide of Manhattanization in San Francisco?*

Hestor: Yes, it could be designed to provide a real housing resource. But one of the things that I don't think people realize, is how little people are going to see the Bay in another five years. With the plans that are pushing all those high rises South of Market, nobody is going to be able to see the Bay unless they in a 45th floor office, and have an unobstructed view. The Mission Bay Project is going to push that problem even further south. The view from my house, on 25th Street, of the East Bay hills might not exist in another five

years. And I don't think it's a silly issue. I think it's really important for people to sense the physical context in which they are. Imagine yourself in Manhattan. Yet, you have absolutely no sense that you are on an island, or that there is water around you. You are totally isolated from that. The whole Northern Californian, Bay Area mystique has been that we are in touch with our feelings, our lives and the outdoors. Part of the myth is to see mountains, the water, and the hills, and we're being reminded that the land has power—the earthquakes are part of that power—and that you are related to your surroundings. This is an important sense to keep because then you feel protective about where you live. You don't want the Bay to be polluted. Do people really care if the Hudson's polluted in New York? I think that the relationship between people caring about the Hudson or the East River being polluted in New York, and San Franciscans thinking about the Bay being polluted is very different.

*Urban Action: San Francisco has a tradition and history of community activism and attempts at redirecting policy priorities. In the 1950's there was the freeway revolt that eventually limited a lot of the proposed freeway expansion in the City, and there was your involvement with the Yerba Buena Center, and other examples of opposition to the renewal projects. But you seem to be saying that despite all these attempts and energy in that direction, that in five years we may not be able to see the Bay.*

Hestor: That's because the population has been changing. All of that citizen activism came from a base of people who lived in the City, who had some connection and commitment to the City, and who were raising families in the City. But now people are looking at San Francisco as a way station in their career and when they raise a family they are going to move out of the City. Yuppies who live here for five years because they are working at Standard Oil and then they are going somewhere else, aren't going to have a commitment to the City. And that's happening because of the Mayor's total inattention to the stresses that are being caused on neighborhoods, on families, and on housing. It's one of the reasons that we raised the childcare issue three years ago, in 1982 at the Planning Commission. We were told then, that if we were concerned with childcare, that we should go to the Human Rights Commission because the Planning Commission didn't deal with social issues, which is a totally screwed up understanding of what planning is about. We were saying that you have to plan for families, and one of the ways you do that is to provide for childcare. But Toby Rosenblatt is a rich man, he doesn't care about childcare because he doesn't understand it.

*Urban Action: As a last question, could you please add or address whatever issues you like.*

Hestor: The important thing is to get involved in the struggle and not to give up. I've lived here since 1969 and have organized many students, and the difference that I see at San Francisco State now, is that the students are bailing out of the City. When I speak to a class at State, half of the students don't live here any more because it's very hard to find the housing in the City. That's really different from how it was in 1969.

But I think it's important that people not be so focused on looking for a good job to pay off their student loans, that they drop out and don't take any responsibility for themselves as a community person. Even if you end up outside of San Francisco, because of economic circumstances, take up the struggle and become an

active community person.

San Francisco is exporting problems to the entire Bay Area. We are exporting problems to places where people look at the green spaces around them as being important to why they are living there, but those green spaces are going down to bulldozers, freeways for commercial projects, condo complexes or whatever. It's important that people get involved in defining how they want to live and fight for it. Because if they don't do it, if we don't do it, and if you don't do it, the end result is that other people are going to make those decisions and they are not going to care about you. And you can't keep running, yes, maybe you can go off to the mountains, but that's not a responsible solution. It's worth the struggle to fight now, because otherwise, other people are going to make the decisions for you.

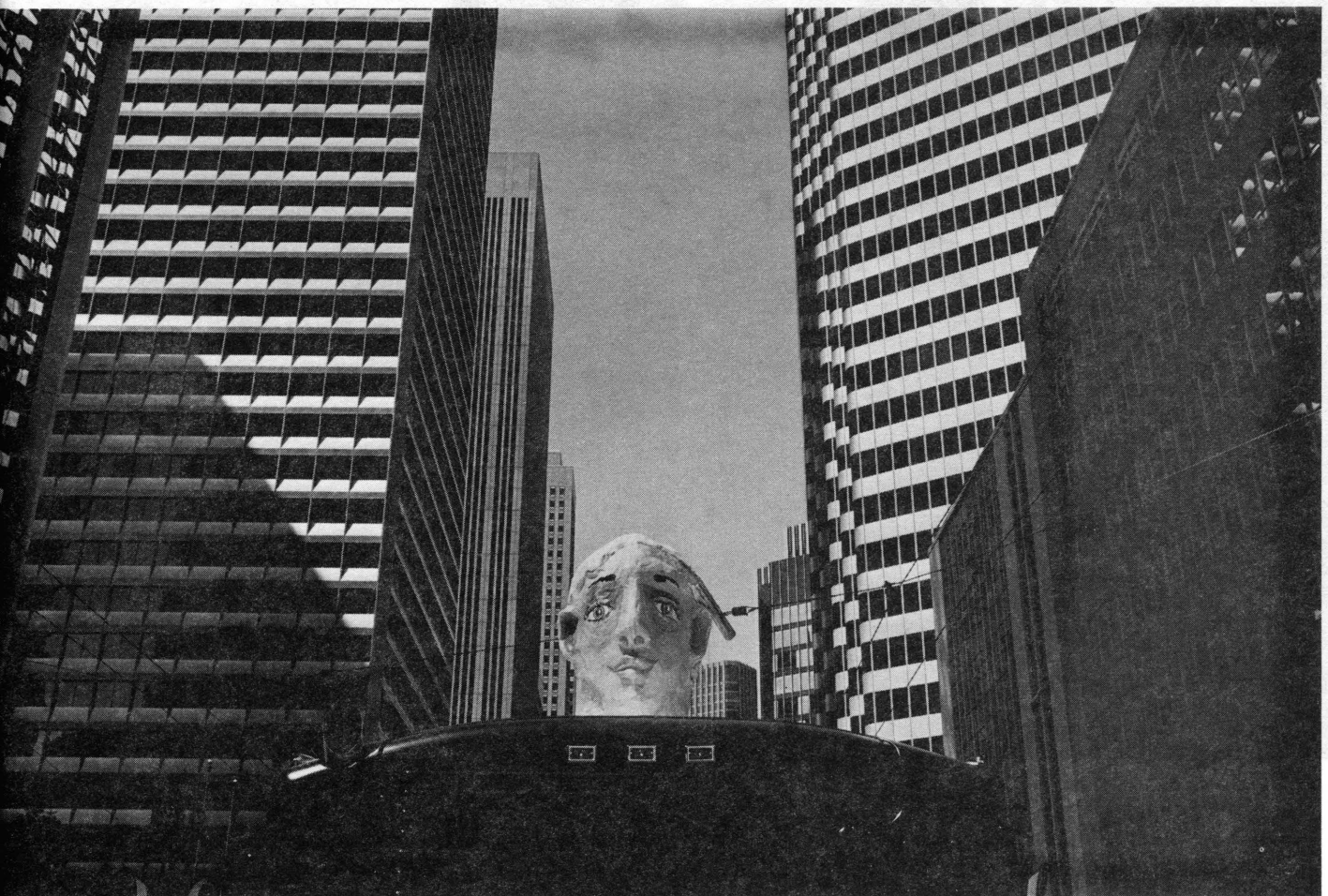
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*Photo Essay*

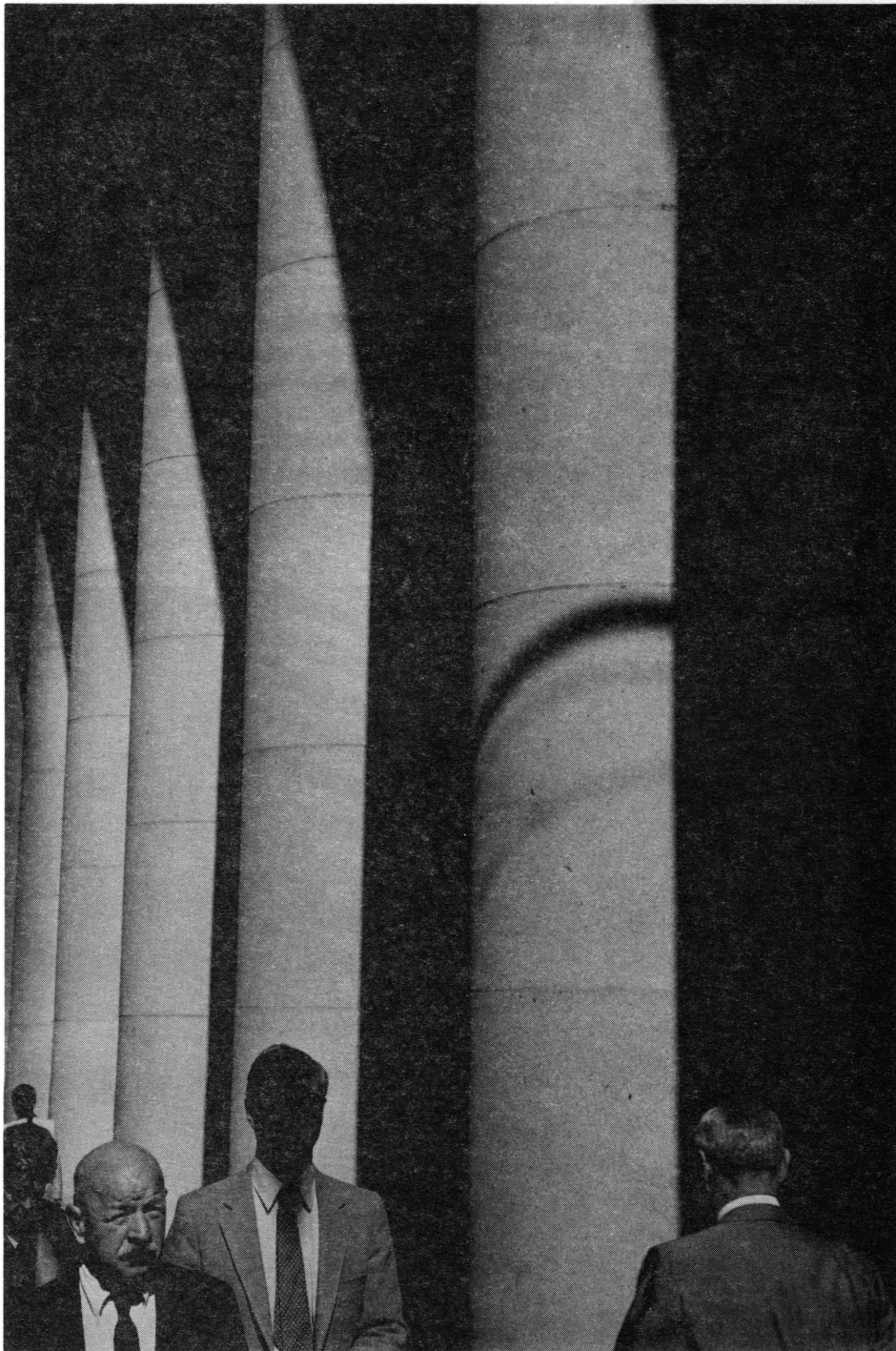
# Financial District

By Glen Denny

*Glen Denny is graduate student at SFSU, working on an MFA degree in photography. He has been photographing in San Francisco's Financial District for several years.*



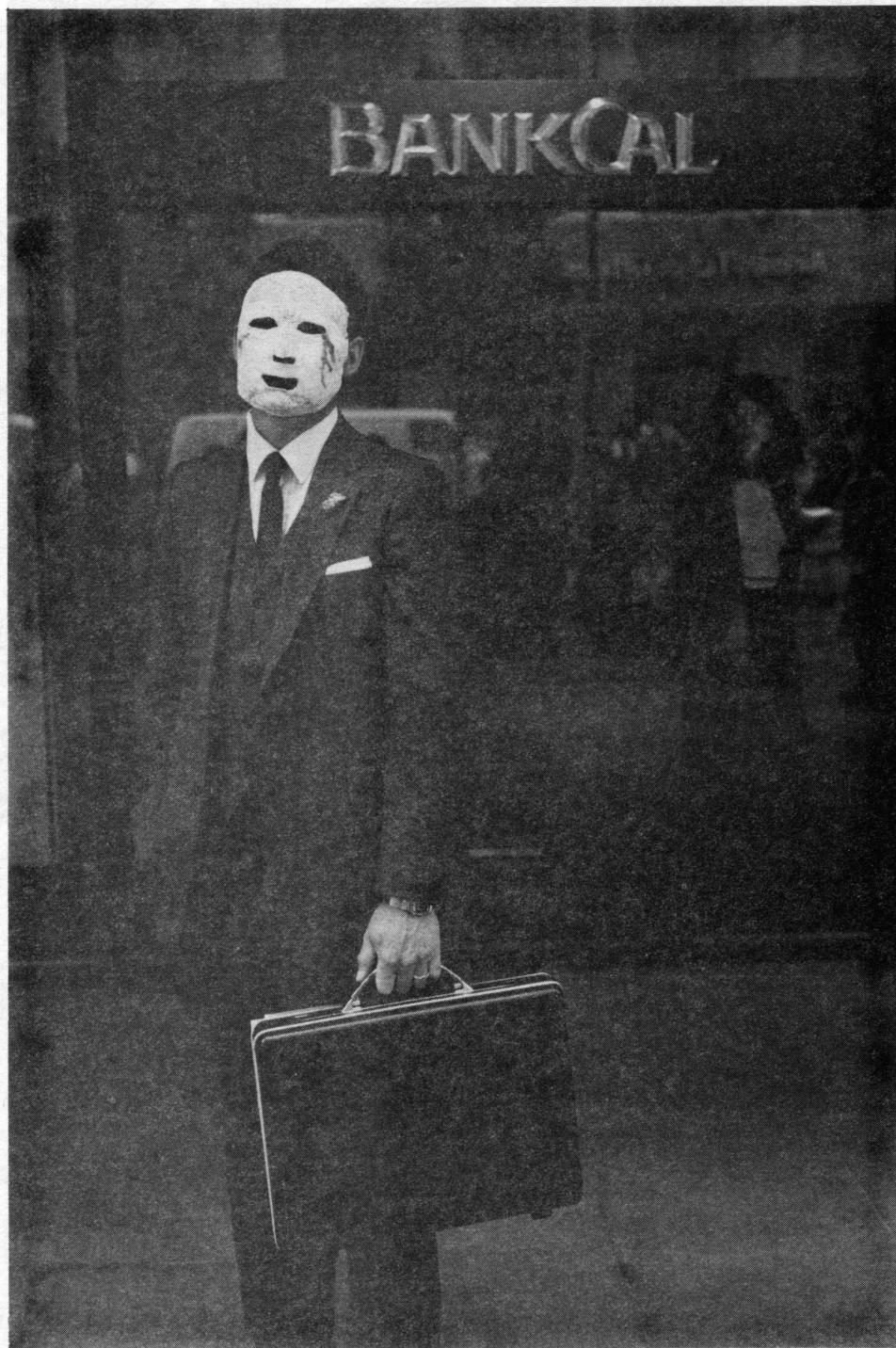




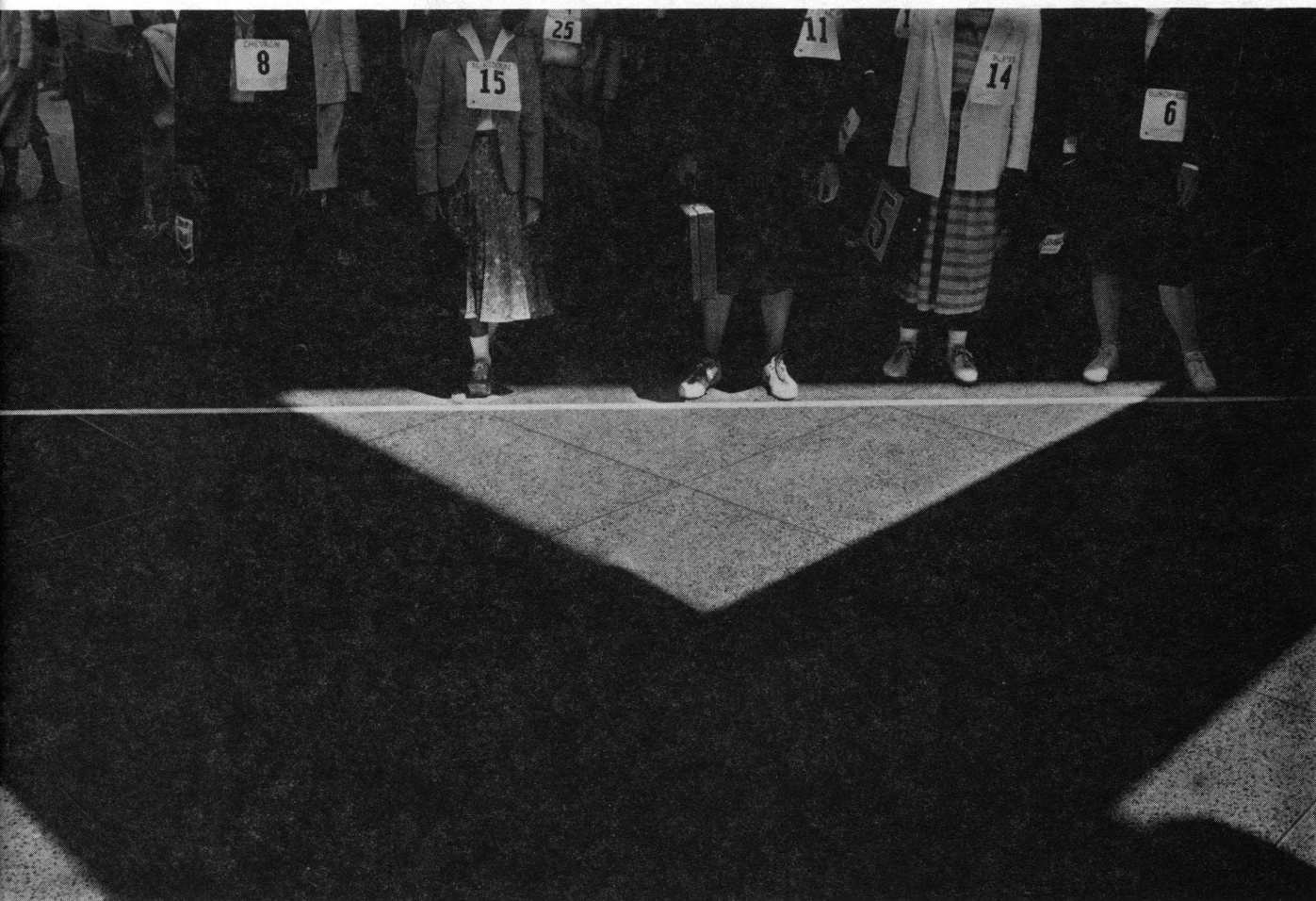


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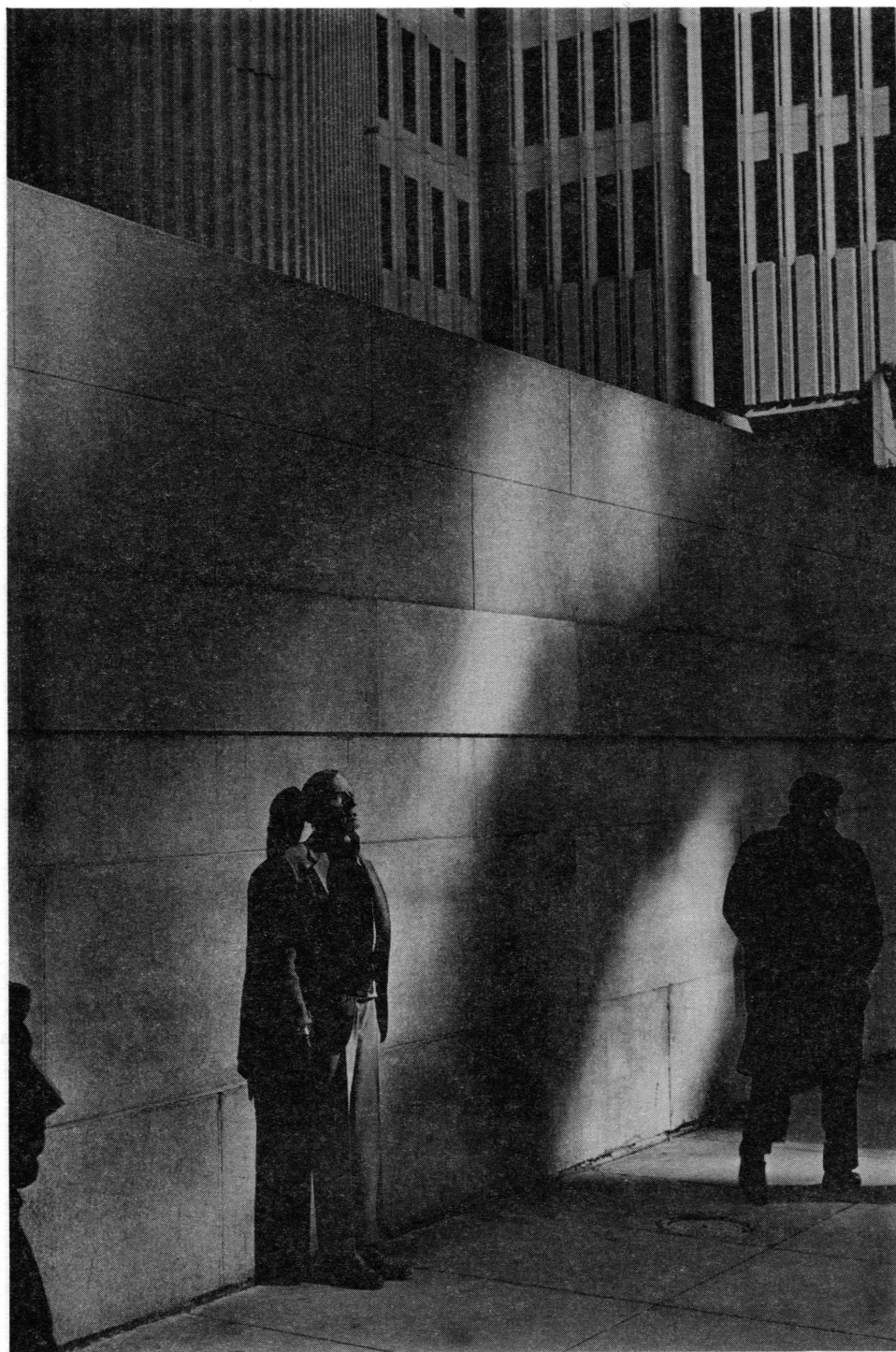


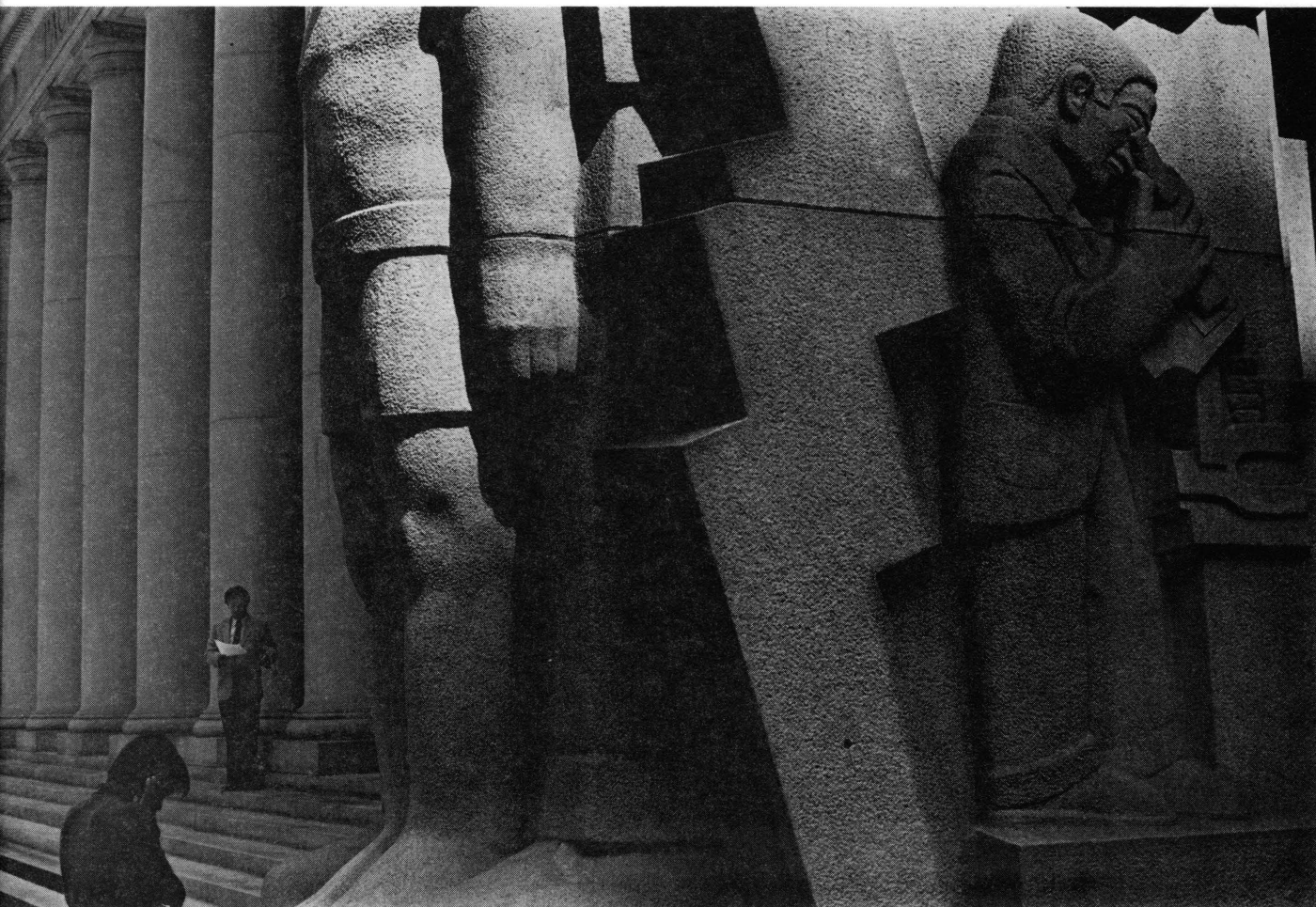


Transamerica Corporate Headquarters

Bank of California Headquarters

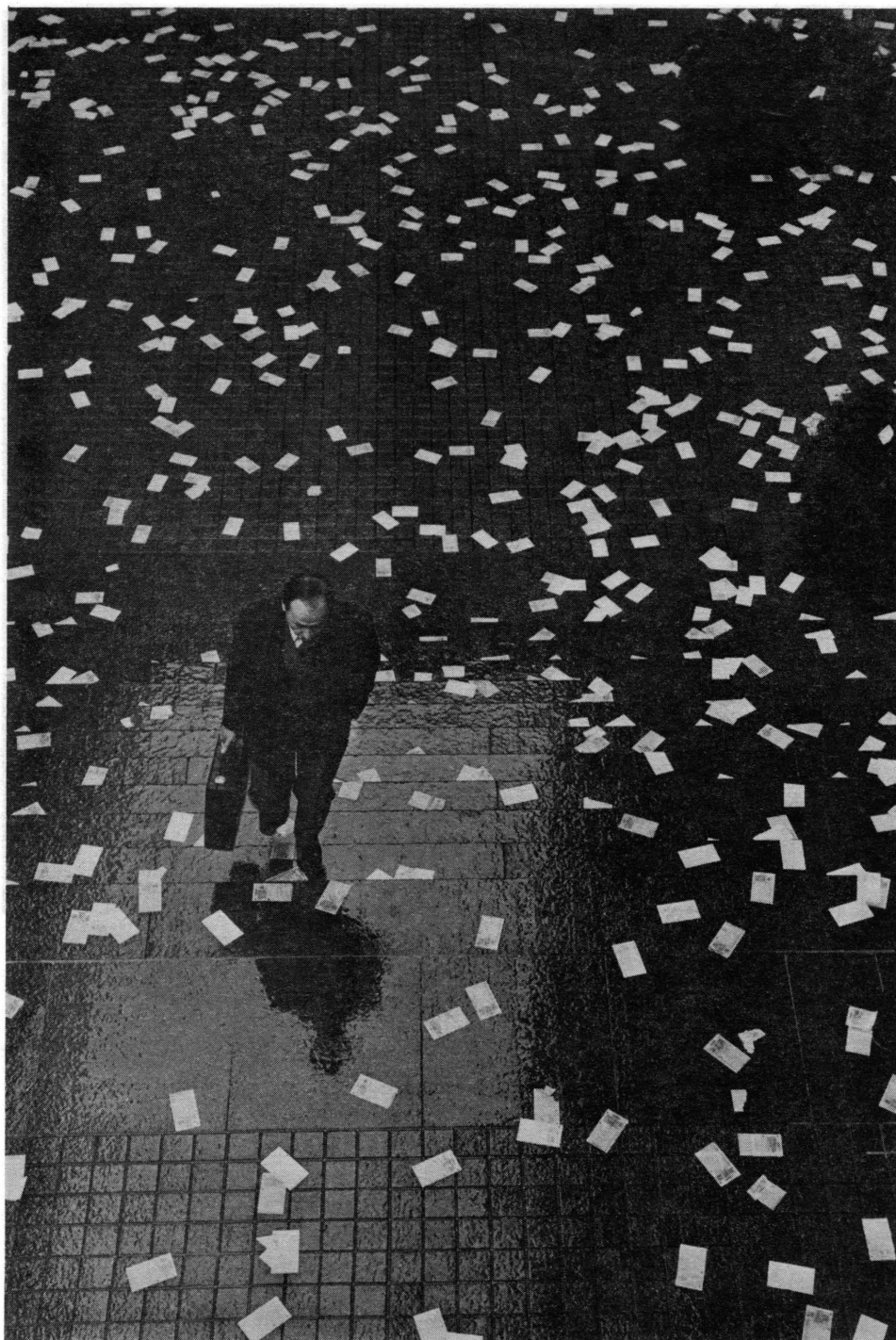






Pacific Stock Exchange

Federal Reserve Bank (Old Building)







369 Pine Street

### Bank of America Headquarters





400 Market Street

# Tax Credits for Historic Preservation: Revitalizing the Urban Economy

by Susan Sirrine

*Susan Sirrine is completing work for the M.P.A. at San Francisco State University, with a concentration in Urban Planning. She has worked directly in the field of historic preservation during her five years at O'Brien-Kreitzberg, the largest construction management firm in the West.*

During the past 20 years, politicians and theorists have offered American cities a variety of cures for such illnesses as high crime, unemployment, deterioration in housing stock, and erosion of the property tax base. Because political and economic analyses differ widely enough to precluded formation of a consensus, each Federal administration has articulated a new strategy to tackle the urban problem: LBJ's War on Poverty tried to improve human capital through job training, youth programs, and direct delivery of social services. The Nixon-era Model Cities program supplemented existing programs directed at ameliorating the condition of physical structures.

Most recently, a new approach has gained favor: revitalizing neighborhoods through private-sector rehabilitation encouraged by tax credits. Some neighborhoods have achieved national acclaim: Jackson Square in San Francisco, Pioneer Square in Seattle, Boston's North End and Waterfront. Most of the affected neighborhoods have seen less dramatic rehabilitation efforts, in part because most American cities are more modest, less conspicuous, less in the national eye than the three showplaces I have cited. There have been no comprehensive studies on the effect of upgrading neighborhoods in this way; the National Trust for Historic Preservation estimates the effect to be small, but measurable.

The Economic Recovery Tax Act of 1981 (ERTA), which provided the mechanisms for this new policy, established differential rates for tax incentives: a separate scale for rehabilitation of certified historic buildings,

as distinguished from all other real estate investments. The ERTA income tax credits, ranging from 15% to 25%, offered an alternative means of benefiting from an opportunity heretofore enjoyed only by those who invested in new construction. As President Reagan said,

... our tax credits have made the preservation of our older buildings not only a matter of respect for beauty and history, but of economic good sense.

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**'The most immediate question is: why not let the marketplace decide which buildings should be saved?'**

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Detractors of this new policy have not come exclusively from the political left, nor have all of its proponents come from the President's traditional allies. Those who argue for extension of the ERTA credits generally identify these three policies:

- ▶ the credit encourages the revitalization of our nation's declining urban areas.
- ▶ preservation tax incentives are an appropriate way from historic buildings.

In this policy analysis, I define the parameters of this issue, explore the legislative history, and analyze the

political perspective of the various participants in the politics of investment tax credits for historic preservation. I also examine the appeal of this method of preserving American cities to labor, developers, and the real estate industry, analyzing the way each of these groups would be affected by maintaining the tax credits.

The most immediate question is: why not let the marketplace decide which buildings should be saved? This question, however, inaccurately assumes that there exists a marketplace that operates independently from governmental action and policy. Tax laws have traditionally favored new construction, providing deductions for demolition costs and permitting accelerated depreciation of the new building. Other market imperfections promote aid to low and moderate income housing, which is considered a social good; preservation of historic structures, as we shall see, can be analogized to the housing issue.

## A Brief Overview of Preservation Policy

Since early in this century, the Federal government has repeatedly made efforts to promote the preservation and rehabilitation of historically significant structures. A cursory review of the major legislation follows:

**Antiquities Act of 1906:** This bill authorized the President to designate National Monuments. It also authorized the Secretaries of Interior, Agriculture, and Army to formulate rules governing archaeological sites and objects of antiquity on land within their jurisdictions.

**National Historic Site Act of 1935:** This legislation dealt only with property of national historic significance. It authorized the Secretary of the Interior to acquire National Historic Sites and to designate National Historic Landmarks.

**National Historic Preservation Act of 1966:** This bill can be divided into four parts: first, it expanded the National Register to include buildings and sites of local, state, and regional significance. Second, the act afforded property on the National Register a certain degree of protection from possible adverse effects of Federally-funded undertakings. Third, it authorized grants-in-aid: to states, to fund the preparation of comprehensive statewide surveys of historic sites and plans for their preservation; to municipalities, to match state funds for preservation projects; and to the National Trust for Historic Preservation, to match Trust funds. Last, the act created the Advisory Council

on Historic Preservation.

**National Environmental Policy Act of 1969:** This act declared it national policy to preserve "important historic, cultural, and natural aspects of our national heritage."

## Relevant Tax Legislation

**Tax Reform Act of 1976:** This contained two significant new provisions intended to encourage the rehabilitation of historic buildings. Owners could amortize their rehabilitation expenditures over a period of 60 months, or, if they performed "substantial rehabilitation," could choose to use the same form of depreciation as the developer of a new building.

**Revenue Act of 1978:** This bill established that rehabilitation expenditures on commercial buildings in use for at least 20 years were eligible for a 10% investment tax credit.

**Economic Recovery Tax Act of 1981:** This replaced the five-year amortization and accelerated depreciation incentives introduced by the Tax Reform Act of 1976 with a three-tiered system of income tax credits for commercial historic properties: a tax credit of 15% for expenditures on buildings at least 30 years old; a 20% credit for expenditures on buildings over 40 years old; and a 25% credit for expenditures on National Register properties used for commercial, industrial, or residential rental. The *adjustment to basis rule* favored certified historic structures: in most circumstances, the tax credit must be subtracted from the total rehabilitation costs in computing the investment that can be depreciated. In the case of a certified rehabilitation of a certified historic structure, 25% of the costs can be deducted from taxes owed, and the entire amount of the rehabilitation costs can be depreciated.

**Tax Equity and Fiscal Responsibility Act of 1982:** This amended the 1981 ERTA act to reduce the adjustment to basis rule: 12.5% of the qualified rehabilitation (half of the allowable 25% tax credit) must be subtracted from the rehabilitation costs that can be depreciated.

**Current tax reform legislation** recommends a two-tiered investment credit: 10% ITC for non-historic buildings constructed before 1935, and



20% ITC with full adjustment to basis for certified historic construction.

## Decision-Making Structures

Federal tax policy must originate in the House of Representatives, under Constitutional mandate. Although in practice lobbyists, the executive branch, and members of the Senate participate in defining and shaping these legislative measures, the House Ways and Means Committee will continue to be the focus of critical debate and policy formulation.

Organizations whose views will be influential include these:

**The National Trust for Historic Preservation**, chartered by Congress in 1949, is a private non-profit organization supported by membership dues, endowment funds, and matching grants from Federal agencies, including the Department of the Interior and the National Parks Service. It maintains headquarters in Washington, D.C., and operates nine regional offices.

**Preservation Action**, a grass-roots historic preservation lobby.

**Advisory Council on Historic Preservation**, a small independent Federal agency created by the 1966 Historic Preservation Act, advises agencies on the effects their policies may have on historic properties, and advises the President and Congress on preservation. With a \$1 million annual budget and 19 members (including preservation experts, officers of other preservation agencies at the state and Federal levels, several agency heads, a governor, a mayor, and four members of the general public), the ACHP wields limited clout. Furthermore, its members have other priorities: the agency heads are loathe to criticize other Federal agency policies; the elected officials may have political reasons to ignore preservation issues; and its limited budget has, in the past, curtailed the number of times the full council meets. That its annual report, a review of Federal undertakings, is submitted directly to the President is the only evidence that its influence may be greater than its size suggests.

## Political Configuration: Proponents of Tax Credits

Professional preservationists, including architects, planners, and historians, constitute one strong and committed group of proponents of tax credits. Whether for financial or aesthetic reasons, or both, these people strongly favor saving historic structures. Members of the local historical society, both stereotypical "little old ladies" who can be relied upon for financial support and highly trained staff members who can provide expert testimony at local hearings, can be strong advocates of historic preservation legislation.

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***'Labor unions . . . respond to appeals for historic preservation tax credits, since rehabilitation is labor-intensive, and requires proportionally 50-75% more labor than does new construction.'***

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Urban administrators—mayors and city managers—from cities generating substantial revenue from tourism, or whose influence derives to a considerable extent from old family wealth and political power, tend to favor revitalizing older neighborhoods and buildings. City officials are subject to the influence of big developers of new construction, however, and can be found anywhere on this political continuum, from vigorous proponents of preservation to its fierce opponents.

Doctors and lawyers, and the professional organizations that represent their interests, are among the potential beneficiaries of tax incentives, though the advantages to these groups are not yet widely known. Because these professionals often practice in small groups, or individually, they can use smaller historic structures (e.g., houses) for commercial purposes and qualify for tax incentives. Doctors and lawyers are often skilled and sophisticated in manipulating the political system, and have access to money and political influence.

Realtors, developers, and contractors who can be shown (see table below) that rehabilitation offers lucrative possibilities more commonly associated exclusively with new construction will occasionally fight for tax



credits for historic structures. Because new construction increasingly generates expensive litigation, delaying projects for years, the decreased opportunity cost associated with rehabilitating existing historic buildings can attract developers to the cause of historic preservation.

anybody who has been delayed by public interest lawyers in search of environmental-impact injunctions will be more receptive to the arguments for preserving.

From one end of the political spectrum comes opposition from many who recognize that this tax mea-

**COMPARATIVE TABLE:  
FIRST YEAR DEPRECIATION AND INVESTMENT TAX CREDIT**

	C L A S S		
	30-Year Old	40-Year Old	Certified Historic
Old Basis	2,000,000	2,000,000	2,000,000
Qualified Rehab. Expense	6,000,000	6,000,000	6,000,000
ITC Percentage	15%	20%	25%
ITC Amount: % x Rehab. Expense	900,000	1,200,000	1,500,000
New Basis	7,100,000	6,800,000	8,000,000**
Year One Depreciation*	473,333	453,333	533,333
Tax Effect—			
Year One Depreciation at 50%	266,667	266,667	266,667
Year One ITC (from line 4)	900,000	1,200,000	1,500,000
Total Tax Benefits	1,136,667	1,426,667	1,766,667
Year One Tax Benefits (no ITC)	266,667	266,667	266,667
<b>EXTRA TAX BENEFITS</b>	<b>870,000</b>	<b>1,160,000</b>	<b>1,500,000</b>
<p>* 15 year straight-line  ** for certified historic properties, do not reduce basis  Source: <i>Investor Outlook</i>, Volume 2, Number 1: First Quarter 1982.</p>			

Labor unions, particularly in the building trades, respond to appeals for historic preservation tax credits, since rehabilitation is labor-intensive, and requires proportionately 50-75% more labor than does new construction. In particular, those unions representing highly-skilled workers, whose ability to do fine, detailed work is but rarely used to advantage on new construction projects, would be likely partisans of these tax credits. The high cost of new construction militates against undertaking any additional expense on aesthetic grounds; that condition does not prevail as often in cases of rehabilitation.

### Political Configuration: Opponents of Tax Credits

Notwithstanding the validity of the arguments made above, most developers at present cast their political power with the forces favoring new construction, since it is more apparently lucrative. Developers in areas with no major political effort to halt new construction may be more resistant to the "opportunity cost" arguments; but

sure benefits the upper-middle-class investors and professionals who can involve themselves financially with commercial real estate. The poor, and almost always the working class, cannot participate; this form of tax credit can therefore be characterized as redistributing revenue upward.

From the other end of the spectrum come opponents from the ranks of the neo-conservatives, the supply-siders, and the free-marketeers, who believe in restricting government intervention in favor of the operation of the marketplace.

### Policy Analysis

Two primary reasons warrant the retention of investment tax credits for rehabilitation of historic buildings:

1. The credit encourages the revitalization of our nation's declining urban areas.
2. Preservation tax incentives are an appropriate

and economically efficient measures for stimulating private investment in historic buildings.

Investment tax credits for the rehabilitation of historic buildings are successfully stimulating preservation, re-use, and renovation of thousands of the nation's most significant buildings and areas. Since its enactment as part of the ERTA of 1981, this incentive has led to a private-sector investment of more than \$5.4 billion in more than 7500 different projects. The National Trust estimates that certified historic rehabilitation projects created more than 63,000 new jobs and \$5.3 billion in increased local retail sales annually. Assessed values of rehabilitated buildings increased dramatically: a National Trust study in Boston found that the *average* increases in valuation was 1000%.

These figures might well have been higher, were it not for the recent tendency of industry to abandon urban manufacturing and office sites for suburbia. In the Bay Area, for instance, some industries have claimed that an anti-business climate has caused San Francisco to level excessive charges upon corporations (e.g., a day-care fee, subsidies for mass transit), or at least to authorize such fees. Industrial parks located in Contra Costa, Alameda, and San Mateo Counties have been able to attract businesses by offering a combination of facilities and tax breaks; nor is the Bay Area unique in this respect. It is in this context that historic preservation credits have had to compete for attention; the continued success of these credits testifies to the extraordinary attractiveness of the program.

The cost of the tax credits has been negligible, in light of the demonstrated benefits. In 1985, for instance, Federal taxpayers subsidized the program with only \$325 million in revenues foregone; overall, since 1981, less than \$1.5 billion, or 28% of directly-generated investment, has come from taxpayers.

However favorable the ratio between investment and taxpayer contribution, one must ask whether the historic preservation credits are consistent with articulated American tax policy. Specifically, does the preference for historic preservation tax credits interfere so substantially with the operations of a free-market economy as to render it unacceptable?

First, it can hardly be said that the Federal government never intervenes in economic decisions via tax policy. Charitable institutions receive the contributions they now enjoy in part because of tax deductions. Tax shelters ranging from sheep ranches to oil wells (of the dry variety) rely for their very existence upon the Federal tax code and regulations.

Second, the historic preservation credits are substantially less artificial than most IRS-generated economic policy: unlike in the case of tax shelters, there will

always be a pre-existing economic use for the buildings designated as historic. The credit will be used by businesses and professionals who operate viable enterprises in the community.

Furthermore, the rehabilitated structure will contribute to the economic life of the community in an average period of six to twelve months, rather than the three to five years required to complete a new structure. Rehabilitators do not have to invest time in lobbying for changes in planning ordinances and zoning policy. Nor must they wait for the foundation to be laid, and other preliminary steps to be completed, before they can occupy the structure; generally, even during rehabilitation some use can be made of the building.

The policy authorizing tax credits for historic preservation and rehabilitation is more than merely permissible; it is beneficial to society. Rising property values in urban areas, and the pressure to maximize development potential, have contributed to the drive to raze historic buildings and replace them with financially-profitable new construction. These market forces do not take into account the social benefits of preserving our heritage. Benefits from these buildings are available to future generations; once the buildings are razed, these benefits are forever lost. Opponents of tax credits can be numbered among those who now wax sentimental about the architectural grace of New York's old Pennsylvania Station, or the City of Paris building in San Francisco.

The Federal tax code is not neutral as long as it provides benefits to, or legitimates local rules in favor of, those who demolish and rebuild. So tax credits for rehabilitating historic structures tend to balance the tax code, providing a more neutral Federal program. And if we do not aspire to a neutral government policy, we should adopt tax rules that favor subsidies for historic preservation, as the best way to save our aesthetic heritage while spurring economic revitalization of our cities. ■

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# Rent Control: A Continuing Urban Policy Conflict in California

by Barbara Brack

*Barbara Brack is a senior at San Francisco State University, majoring in Urban Studies. She has lived and worked in both the San Francisco and Washington, D.C. metropolitan area and has a long-standing interest in urban policy issues.*

Rent control has traditionally meant that some form of control is placed on local rental rates, usually in the form of annual rental increases being held within a certain percentage, with the intent of maintaining the existing stock of affordable rental housing. Under current California law, cities and counties may adopt their own rent control rules as long as they demonstrate that a housing shortage exists and that rent control will help alleviate it. Some communities will pass a weak rent stabilization law that only controls rents for current tenants but does not affect a rental property when it becomes vacant. Others will pass a stronger law which places rent controls on vacant apartments, thus considerably strengthening the effect that the law has in controlling future rental rates. Other variations in rent control laws may involve exempting certain properties such as newly constructed rental housing or single family residences.

Rent control surfaced in the 1970's in response to widespread economic conditions affecting the cost of housing and the subsequent pressure from tenant groups for relief from soaring rents. It quickly developed into a controversial issue at the local level where community-based tenant organizations were able to get rent control laws passed despite the efforts of local real estate and development interests to prevent passage of any type of controls.

Since then, rent control has become a volatile and

emotionally charged issue that continues to act as the backdrop for significant public policy battles fought at both the state and local level in California. This paper will illustrate how and why rent control will continue to be a significant urban policy conflict for some time to come, pitting powerful statewide real estate and developer interests against local community-based tenant groups organized into a loose statewide coalition.

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***'... rent control has become a volatile and emotionally charged issue that continues to act as the backdrop for significant public policy ...'***

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## ***Forces giving rise to rent control***

To understand the controversy over rent control, it is important to take a look at the forces giving rise to the passage of rent control and rent stabilization ordinances in cities in California. During the 1970's, changing conditions in the economy led to historically high levels of inflation and, particularly in California, soaring property values and rapidly escalating housing prices. As housing prices increased to excessive levels, it became difficult for first-time homebuyers to afford a home, resulting in more long-term tenancies. Changes in life-



styles during the 70's led to more singles and divorced persons setting up separate households, increasing the number of people looking for housing. These conditions alone led to a shortage of housing and low vacancy rates in many areas. Also, during this period, there was a trend toward the conversion of apartments to condominiums which further reduced the stock of available rentals. Housing was looked upon more and more as an investment because of its high appreciation rate and value as a hedge against inflation. Large apartment complexes were taken over by real estate corporations and groups of investors who were more interested in the resale value than the needs of the tenants. All of these conditions put pressure on rental costs and, as renters became more concerned about the availability and affordability of housing, a growing climate of tenant activism began to emerge. (LeGates & Murphy, 1984; Dreier, 1984).

Tenant activism had its beginnings in the same type of grass-roots protest groups that developed during the 1970's out of the women's, consumer, senior citizens and neighborhood movements that emerged during this decade. Local grass-roots community organizations, particularly senior citizens and neighborhood groups, became interested in tenants rights and took up the cause of tenant/landlord issues. By 1981, a statewide tenants organization had formed in California to coordinate local and statewide efforts and more than 25 California communities (including Los Angeles and San Francisco) had passed rent control laws (Dreier, 1984).

### ***History of political controversy***

Since the late 1970's when rent control had become a regular occurrence on the local scene in California, forces on both sides of the issue have continued to line up to fight another battle over this controversy. With the passage of Berkeley's strong rent control ordinance in the mid 1970's and the threat of tenants in other communities pushing for rent relief, landlord and real estate interests became nervous and began to look to the state level to block the efforts of local tenant activists.

The first attempt by statewide landlord interests to use the state as a means of circumventing local governments was in 1976. The California Housing Council, an association of the state's corporate landlords and housing developers, attempted to get the California legislature to pass a bill that would have prevented local communities from having jurisdiction over rents. The bill was vetoed by then Governor Jerry Brown (Hartman, 1984).

Another attempt was made in 1980 by an organi-

zation calling itself "Californians for Fair Rents," which was sponsored by the California Association of Realtors, the California Building Construction Trades Council and the California Building Industry Association, among others. This group was able to get an initiative included in the 1980 state primary elections called Prop. 10, a proposed constitutional amendment which would have repealed all existing local rent control ordinances. The campaign to get this passed was bankrolled by the state's real estate industry to the tune of \$6 million. However, because there were questionable tactics used in the costly campaign and the housing organizations opposing the initiative were able to focus attention on the integrity issue, the measure was defeated (Hartman, 1984).

A new round of assaults on municipal rent control ordinances was begun in 1983 and, every year since then, a pitched battle has been fought in the State legislature over this controversy. In February 1983, Assemblyman Richard Alatorre (D — E. Los Angeles) introduced a bill which would have placed restrictions on all local rent controls in California. The bill, AB 965, would have exempted newly constructed housing from rent control and prevented localities from placing rent controls on apartments a tenant had "voluntarily vacated." In effect, it would have frozen all rent control ordinances in the state by making it impossible for any city or county to strengthen its rent control laws. The legislation was proposed by the California Council for Environmental and Economic Balance (CCEEB) which asked Alatorre to introduce the bill. CCEEB is a statewide trade association which includes about 200 large corporations, (e.g., Standard Oil, Southern Pacific, PG&E) and labor unions representing workers in the building trades. Also involved were at least three groups—the California Building Construction Trades Council, the California Association of Realtors and the California Building Industry Assn.—which had pushed Prop. 10 in 1980. (Clancy, 1983). AB 965 passed the assembly in June, but never made it out of the Senate due to the lobbying efforts of a coalition of tenants groups and local governments which had formed a statewide housing movement. This movement was spearheaded by the Campaign for Economic Democracy (CED), a group formed by Tom Hayden, a Santa Monica legislator who was a significant force in getting that community's strong rent control ordinance passed. (Redmond, 1983a).

The same forces butted heads again in 1984, when similar "anti-rent control" legislation was introduced by Assemblyman Jim Costa (D — Fresno). Costa's bill, AB 3808, in addition to the same restrictions stated by the 1983 bill, would have exempted single-family residences, including condominiums, from

rent control. Again, the effect of this bill would be to establish statewide restrictions on local rent control laws. When the bill passed the assembly, this action precipitated demonstrations by scores of angry renters the next day. Many of the demonstrators were bused to the Capitol by the Old St. Mary's Housing Committee and the San Francisco Housing and Tenants Council, two tenant activist organizations in San Francisco which were protesting the bill. Another noisy demonstration was staged by these same tenant forces, which included people from all over the Bay Area, when the bill was being considered by the Senate Judiciary Committee. Feeling the pressure from these efforts and other lobbying strategies, the Senate finally shelved the bill for the rest of the year.

The fight between landlords and tenants continued in 1985. In February of that year, Assemblyman Jim Costa again introduced an "anti-rent control" bill into the California legislature that set off another round in this fight. The bill, AB 483, is a similar version to the one introduced in 1984.

### ***Landlord strategy***

The major actors among the landlord forces in their efforts to restrict rent control laws are four closely allied California trade associations. They are the California Association of Realtors, the largest organization involved; the California Housing Council, representing large apartment owners and developers; the California Apartment Association, representing owners and operators of smaller apartment projects, including the average "mom and pop" owner of a piece of rental property; and the California Building Industry Association, the legislative arm of the home building industry. All four are well-organized associations that have established offices in Sacramento to represent their membership in legislative matters affecting their respective industries and are the major sponsors of AB 483. The two organizations which have been particularly active in this issue and generally take the lead in the fight are the California Housing Council and the California Association of Realtors.

The California Housing Council (CHC) is a political organization established strictly to deal with the issue of rent control and has been active since 1975. On the state level, CHC takes a direct approach and hires its own political consultants and lobbyists to push its "anti-rent control" legislation. It keeps its members advised of the progress of rent control legislation at both the state and local levels through its monthly newsletter and for the 1985 fight organized a grassroots lobbying effort which expanded beyond the housing industry and

asserted great pressure on legislators. The CHC does not get directly involved with local battles but will advise a local organization in its efforts to keep rent control out of a community.

The California Association of Realtors (CAR) was founded in 1905 as a statewide real estate trade association dedicated to the advancement of professionalism in real estate. The association, with its 180 local Boards, has more than 100,000 members and is affiliated with the National Association of Realtors. Among other services, the CAR's Public Affairs Department provides assistance and information on local governmental and political issues to its local boards and members. Through its monthly magazine, *California Real Estate*, the association keeps its members advised of the progress of bills in the legislature that will affect the real estate industry. The January 1986 issue reports that AB483 is one of CAR's unfinished legislative projects and they will be assessing the political chances of success on this bill in the near future. CAR maintains an office in Sacramento through which it lobbies directly for bills such as AB483.

The main advantage that the landlord forces have over tenant groups is their long-established and strong association with California's state legislators. The real estate industry in California is a powerful adversary and is well-versed in the political and lobbying tactics needed to get their legislation passed. The real estate and housing interests in California include the state's largest and wealthiest landowners and developers, meaning money has been one of their biggest assets in the fight over rent control. Common Cause reported that, over a 17-month period between January 1, 1983, and May 19, 1984, nine housing industry groups contributed \$523,748 to state legislators in an attempt to limit local rent control. An additional \$488,308 was spent in the first three months of 1984 on lobbying activities linked to the Costa "anti-rent control" bill. (San Francisco Chronicle, 1984)

### ***Tenant Activism***

Tenant activist groups, because of lack of money, depend heavily on the active involvement of their members to support their advocacy efforts. What these organizations have in their favor is their ability to mobilize people at the grass-roots level and to use this people power to exert pressure on the various legislators and to focus public attention on their demands. It is significant that, with little or no funds to speak of, tenant groups were able to wage an effective campaign and head off the two landlord-backed bills in 1983 and 1984. San Francisco has a few representative community-based

tenant organizations that have been active in the statewide movement to block "anti-rent control" legislation and it will be useful to take a closer look at how one such organization operates.

Old St. Mary's Housing Committee (OSMHC) is a non-denominational, nonprofit organization founded in 1979 to provide information and advice to San Francisco renters and deal with landlord/tenant problems and issues. Since that time and particularly since the passage of San Francisco's weak rent stabilization ordinance in 1979, OSMHC has been a leader in efforts to stop several statewide measures which would have undermined local rent control laws. OSMHC was instrumental in establishing the San Francisco Housing and Tenants Council in 1983, a citywide coalition of tenants' organizations, neighborhood, senior, church and labor groups, that lobbies on citywide tenants' rights issues. The Housing and Tenants Council has brought together the diverse housing-related organizations in the city and thus has been able to marshal the forces and money needed to fight rent control opponents at the state level.

Public demonstrations to focus attention on the demands being made are at the heart of community organizing and, when Costa introduced his latest anti-rent control bill in February 1985, OSMHC, along with the Tenants Council, went into action. Two public demonstrations were planned before the assembly hearing on this bill were to be held. One demonstration took place in San Francisco in front of Willie Brown's office in an attempt to get him to take a more active stand against the bill since, as Speaker of the Assembly, Brown wields a great deal of power and could be very influential. The other demonstration took place on May 6, in Sacramento, the day of the Assembly's Housing and Community meeting hearing of the bill.

During the last week of the assembly session, Costa's AB 483 was approved, an action which did not surprise OSMHC since similar legislation had passed the Assembly in previous years. Old St. Mary's felt that their lobbying efforts slowed the bill's movement considerably and enabled them to identify supporters and opponents on this issue. It was in the Senate that they had been most successful in stopping this legislation and they wasted no time in sending their volunteers into action again. On two Saturdays of tabling (setting up tables at strategic streetcorners to collect signatures), they were able to get 11,000 cards signed by San Francisco residents opposing AB 483. The cards were mailed to "friendly" and "undecided" members of the Senate Judiciary Committee, which was next to hold hearings on the bill. The cards were strategically timed to reach them before they left for summer recess on July 19, and after they returned. At the same time, members

of OSMHC were asked to write to individual members of the Senate Judiciary Committee expressing their views on this bill. Particular targets were Senator David Roberti, President Pro Tem of the Senate and a staunch ally in the past; Senator Milton Marks (SF); and Senator Lockyer (Hayward), Chairman of the Committee and a key swing vote.

These efforts and those of other groups eventually paid off. The bill was stalled in the Senate Judiciary Committee as the 1985 legislative session drew to a close, and no official vote could be taken until after January 1986, when the legislature reconvened. This does not mean that the lobbying efforts of tenants groups can be eased up. There will be interim "informational" hearings on the bill and plans will need to be made to attend those hearings also.

This example of the efforts of one organization underscores the devotion of the many volunteers to this cause. The tremendous pressure that can be brought to bear on legislators when faced with a large crowd of angry demonstrators or inundated by postcards signed by potential voters demonstrates that the tenant groups are a force to be reckoned with. The small number of people who spearhead these efforts and mobilize the membership of the tenant groups are dedicated people who are determined to see that their cause continues to be heard in the California legislature.

### *Pros and cons of controversy*

In the current fight in the State legislature, both sides of rent control have presented strong arguments to support their stand on AB483. The formal arguments presented at a special public hearing of the Senate Judiciary Committee held in Oakland on January 31, 1986, produced a clear picture of the differences in viewpoints between the opposing forces.

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***'Radical rent control,  
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of affordable housing.'***

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From the landlord's perspective, the main issue involves "vacancy decontrol," that aspect of the bill which would permanently exempt "voluntarily vacated" apartments from rent control. So far, only the cities of Berkeley and Santa Monica have passed ordinances that include controls on vacant apartments, but other communities can follow suit at any time and this is what landlords would like to stop. Controls on vacant apartments are what landlords find the most restrictive element of rent control and they refer to those laws which include it as "radical rent control." According to Dugald Gillies, Vice President of the Governmental Affairs Department of the California Association of Realtors, who spoke on behalf of the four sponsors of the bill at the senate hearing, AB483 does not eliminate rent control but simply removes radical rent control, which is seen as the main impediment to investment in rental housing. Radical rent control does nothing to increase the supply of affordable housing because the mere threat of such a restrictive measure drives investors elsewhere since they see no way of bringing their rents up to market and receiving a fair return on their investment. In the long term it even victimizes renters because fewer rentals are being built and existing rentals fall into disrepair as owners have no incentive to maintain the property. Radical rent control, he feels, is a poor and negative means of meeting the needs of the poor, the elderly, and students, who are the most in need of affordable housing.

AB483 would also exempt single family residences, including condominiums, from rent control. This feature, according to Gillies, is important because it would act as an incentive for owners of single family residences to keep their property on the rental market and single family residences are the only available housing for families with children. He feels that, if owners cannot get a reasonable profit on their investment, they will simply withdraw the property from the market and sell to someone who will occupy it.

Basically, landlord interests believe that AB483 would stabilize the market place by certifying what already exists in most rent controlled communities: exemption from rent control of new construction and single family housing and, more importantly, exemption of units which are vacated voluntarily, thus allowing rents to seek a fair level. The feeling is that AB483 is a modest piece of legislation that recognizes the needs of tenants yet, at the same time, would stimulate the construction of new rental housing by creating some certainty in the market.

Another point of view brought out by Assemblyman Costa at the hearing is that the people of California should have a broad policy on housing, since housing is such an important issue in the state. He feels that the California state government should exercise reasonable

authority and adopt broad parameters relating to this issue of rent control by establishing statewide rules and guidelines that local communities would have to follow, and AB483 would do this.

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***It was pointed out by  
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Opponents of AB483 who spoke at the hearing varied from representatives of different tenant groups to mayors, city councilmembers and other representatives of local communities. It was apparent that tenant groups see AB483 as a threat to rent control in general. Most of these groups would prefer to see their communities adopt the more radical controls that AB483 would prevent and have worked continuously toward that end in the local battles for rent control. If AB483 passes, it would mean what they see as a loss of meaningful controls on rents.

Tenant groups also see "vacancy decontrol" as the main issue in the controversy over AB483. They feel that, as apartments become vacant and are no longer subject to control, the stock of *affordable* housing would quickly be diminished, particularly in areas where there is a large turnover of apartments, as is the case in San Francisco and Berkeley. Eventually, low-income people and students would be priced out of the rental market altogether. It was pointed out by Assemblyman Tom Bates that San Francisco (which has no rent controls on vacant apartments) is now only affordable by the upper middle class. Opponents of the bill also claim that "vacancy decontrol" is an economic incentive for landlords to evict tenants because they are able to charge more for an apartment once a tenant moves. Polly Marshall, who is a member of the San Francisco Rent Board but was speaking as a private citizen, was able to recite a string of "horror" stories of abuses by landlords in San Francisco who had harassed and intimidated tenants into leaving. Tenant groups also object to the exemption of single family residences

from rent controls. They claim this action would remove a large segment of the affordable housing from the existing stock, making it even harder for low-income people to find suitable housing.

Another major issue brought out by opponents of AB483 is that of local control. The representatives of local cities who spoke at the hearing stressed their right to local control. The representatives of local cities who spoke at the hearing stressed their right to local control. The mayor of Cotati and vice mayor of Hayward both were able to demonstrate how their communities have been able to respond to their housing needs while, at the same time, adopting some measure of local rent control; and they felt that, if the voters in their communities had mandated some form of rent control, their desires should be respected. They see "anti-rent control" legislation like AB483 as taking away from local voters and legislators their rights to make decisions about local rent control; it is, in effect, a preemption of local power.

Any debate on the specific issues relating to a piece of legislations restricting rent control laws usually turns into a debate over the pros and cons of rent control in general. And the recent Senate hearing on AB483 was no different. Landlord interests continue to claim that local rent control laws discourage developers from building rental housing, even if new construction is exempted from controls. They feel that it hampers new apartment construction in other areas as well, because developers fear the possibility of rent control being passed and, more importantly, the lending community will not lend money if it is too risky. This, they say, creates housing pressures on adjoining communities and drives up rents in communities with no rent control. According to Steve Carlson of the California Housing Council, apartments have become a politicized issue because of rent control which causes lenders to shy away from this type of investment. He feels that lenders don't really care what they lend money for as long as it is profitable, so they would rather lend money for office building construction rather than for apartments. Dugald Gillies of the CAR feels that rent control does not serve any long-term constructive purpose; its only impact on housing is to create a sizable group of anguished homeowners who are trapped with their rental investment. It puts undue economic pressure on landlords, who are then forced out of the rental market. Rent control, he feels, represents a subsidy to tenants—a subsidy which falls only on some taxpayers, namely those who happen to be in the rental investment field.

The tenant groups, on the other hand, claim that rent control does not prevent new construction from being built. They say that housing construction was down significantly long before rent control legislation was enacted at the local level and that developers had

already started concentrating on luxury condos instead of affordable housing. Tenant groups in the past have pointed to a 1978 study that "showed conclusively that rent control had no detrimental effect" on new housing construction. (Clancy, 1983). And the representatives of the various local cities who spoke at the hearing could each point to new housing starts in their community and felt that they were adequately handling any housing problems they had. Linda Shorey, mayor of Cotati, pointed out that Cotati had solved its own housing shortage recently and stated that "people do build in a rent control town if there is open space."

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***'Neither side appears ready to back down on this issue. Nor is it likely that one side will take a fresh look at the other's position and reconsider.'***

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Tenant groups feel that removing rent controls now would drive up rents, even in areas that don't now have rent control because the threat of its imposition would be removed. They take a suspicious view of the motives of landlords and feel that the profit motive is the only interest of property owners. Any suggestion during the arguments at the hearing that some landlords might be suffering too was met with angry shouts and catcalls from the tenant activists in the audience, emphasizing that feelings run strong and deep over this issue.

## ***Conclusion***

Neither side appears ready to back down on this issue. Nor is it likely that one side will take a fresh look at the other's position and reconsider. Because of the atmosphere of mistrust that exists among the opposing forces, each side feels that the other is exaggerating its position. One reason that the "anti-rent control" legislation has been shelved by the senate in the past is that no compromise could be reached by the opposing sides. And Assemblyman Costa, in response to the concern expressed by Senator Roberti as to whether "the state should involve itself in preempting local ordinances of such magnitude," has been quoted as saying that "the

issue is not going to go away." (Bancroft & Wiegand, 1984). Opponents of rent control clearly seem determined to keep this issue alive and have gone one step further. They have taken the battle to the California courts in an effort to get the courts to rule that local rent control laws are unconstitutional. It is apparent that landlords would like to see rent controls eliminated altogether.

From my analysis of the controversy over this issue and the historical battle that has kept it alive, I have concluded that there are some real differences in the views of housing that both sides hold. Landlords, as indicated by recent arguments presented in their court battles, see rent control as impinging on the process of free enterprise. They view housing as an investment and see rent control laws as strangling profits. Rent control, they feel, is itself a problem—development is needed to stimulate activity, then housing supply will even out in the long run. The best control is no control at all! Tenant groups have argued that rent control does not affect overall market rental rates and thus has no anti-competitive effect. Beyond that, tenants see affordable housing as a right! They look at housing as shelter and rent control, they say, brings with it a political commitment in communities to have affordable housing. Tenant groups will not only continue to fight anti-rent control legislation at the state level, but will work to strengthen existing rent control laws and push for enactment of these laws in communities where they see a need. As long as there is a shortage of affordable housing and as long as these basic differences in assumptions exist, there will continue to be emotionally charged battles fought over this issue. ■

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# NEDS v. Napa County

by Nicholas Chiaia

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**“P**rotection of minority rights is as essential to democracy as majority vote. In our age of conformity it is still not possible for all to be exactly alike, nor is it the instinct of our law to compel uniformity wherever diversity may offend the sensibilities of those who cast the largest number of votes in municipal elections. The right to be different has its place in this country. The United States has drawn strength from differences among its people in taste, experience, temperament, ideas, and ambitions as well as from differences in race, national or religious background. Even where the use of property is bizarre, unsuitable, or obstreperous it is not to be curtailed in the absence of overriding reasons of public policy. The security and repose which come from protection of the right to be different in matters of aesthetics, taste, thought, expression, and within limits in conduct, are not to be cast aside without violating constitutional privileges or immunities. This is not merely a matter of legislative policy, at whatever level . . .”<sup>1</sup>

Are environmental regulations a proper mechanism for preventing a controversial and unpopular land use from occurring? Most people believe that they are not. However concrete instances sometimes test what we believe in theoretically. Although our environment has benefitted greatly due to government enforced land regulation, this vast discretionary power has been pushed to constitutional boundaries in cases when land use applicants are unpopular and controversial. At present, a local case, the case of *New Education Development Systems (NEDS) v. Napa County* raises the question of the proper use of this power.

Perceived to be threat to the general welfare of the community because of its reputation as controversial, extremist religious order, different in matter of aesthetics, taste, thought, expression, and conduct from the already existing populace of Pope Valley, California, NEDS, a subsidiary of the Unification Church of Reverend Sun Myung Moon, may be a victim of the overstretching of “environmental considerations” beyond U.S. Constitutional boundaries.

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**‘Zoning ordinances are one of the major methods for legal enforcement of environmental control.’**

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## Background on NEDS

In April of 1976, NEDS acquired the 672 acre, hundred year old Aetna Springs Resort in rural Napa County, a resort which flourished for most of that period as one of the great mineral springs resorts in California. Today, it is one of the last such resorts still intact, the only one in Napa County which has not been destroyed by fire. NEDS intended using the resort as an adult religious resort for prayer, theological discussion, and recreation, to restore the pre-existing historical buildings in accordance with their original architectural design and to repair deteriorating structures and to bring them up to applicable code standards. Absolutely no expansion, sub-division or new construction has ever been contemplated.<sup>2</sup>

The obvious desirability of NEDS’ projected use was clearly apparent to members of the County Planning Staff and several Supervisors with whom NEDS met informally prior to closing escrow, all of whom assured NEDS that the use was consistent with zoning, and that, in view of the lack of new construction, an

initial environmental assessment would almost certainly be favorable and no extended statutory environmental procedure would be required.<sup>3</sup>

However, these first innocent projections did not take into account the public hysteria which was triggered within twelve days of the escrow closing by the first in what was to be a steady stream of sensational reports of a "Moonie Invasion." Reversing their previous evaluation of the project, the Board of Supervisors and the Planning Commission held a series of public hearings which ended with a decision to require NEDS to prepare a full EIR and an eventual denial of permits for requested use.<sup>4</sup>

## Background on Zoning

Zoning ordinances are one of the major methods for legal enforcement of environmental control. According to Daniel Mandelker, a typical zoning ordinance

"regulates and restricts height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose with the intention of promoting the health, safety, morals, and the general welfare of the community. Generally, these regulations are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water sewage, schools, parks, and other public requirements. Furthermore, these regulations have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality."<sup>5</sup>

Other environmental and land use regulations (i.e., Environmental Impact Reports, building codes) have supplemented zoning but they are intended to do the same thing.

As outlined above, land use regulations play an important and valuable role in the creation and maintenance of healthy, moral, and safe environments. Furthermore, this regulatory power, important as it is within

limits, can be applied as a legalized device for preventing property owners from doing whatever their neighbors perceive to be a detriment which is not necessarily bad. In some instance, however, the police power could be used as an instrument of ignorance, bigotry and racism.

## The Supreme Court and Exclusionary Land Use

The leading U.S. Supreme Court case concerning restrictive land use is *Village of Arlington Heights v. Metropolitan Housing Development Corporation* which involved a challenge to a Chicago suburb's refusal to grant a request to zone certain property from a single-family to a multiple-family classification.

"A nonprofit developer planned to build federally subsidized townhouse units in the largely white suburb, so that low and moderate income tenants, including members of racial minorities, might live there. Though the lower federal courts found that the suburb's officials were motivated by a concern for the integrity of the plan rather than by racial hostility, the Court of Appeals held the denial of the rezoning request unconstitutional because its "ultimate effect" was racially discriminatory. In reversing that decision, Justice Powell's majority opinion repudiated the Court of Appeals' emphasis on effect rather than purpose, . . . and found no showing of unconstitutional behavior in the record here."<sup>6</sup>

In this case, Justice Powell analyzed in detail the means by which it may be "(d)etermined whether invidious discriminatory purpose was a motivating factor" and thus whether a particular land use decision must be invalidated on fourteenth amendment equal protection grounds.

"The 'historical background' of the decision is one evidentiary source, particularly if it reveals a series of official actions taken for invidious purposes.

The specific sequence of events leading up to the challenged decision' may also shed some light on the decisionmakers' purpose.

'Departures from the normal procedural sequence' also might afford evidence that improper purposes are playing a role.

'Substantive departures' too may be relevant particularly if the factors usually considered important by the decisionmaker strongly favor a decision contrary to the one reached.

The 'legislative or administrative history' may be highly relevant, especially where there are contemporary statements by members of the decisionmaking body, minutes of its meetings, or reports."<sup>7</sup> (emphases added)

## The Arlington Heights Method and the NEDS Case

Attempting to prove in Trial Court that Napa County and its agents were preventing NEDS from establishing its proposed religious retreat on account of the groups particular denominational affiliation and not a valid environmental consideration, attorney Barry Fisher sighted the above stated case, using Justice Powell's method for proving discriminatory intent.

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### 'The NEDS case also involved radical procedural departures ...'

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Consider the "historical background." As mentioned earlier, it was only after NEDS association with the Unification Church had become known, and after great fear and prejudice toward the group had been vocalized in the media and to public officials, that getting approval for their project became a long ordeal that finally ended in a legally unsupportable denial.

A major part of the "specific sequence of events leading up to the challenged decision" is the local and sustained public outcry that accompanied NEDS attempt to establish a religious retreat in Napa County. Although it has been stated in the context of racial discrimination, the following decision has definite bearing on the NEDS case.

"to the extent that a plaintiff can show that there was identifiable private racist activity at the time that the challenged zoning policy was adopted, this evidence can be used to infer that local decisionmakers, presumably highly re-

sponsive to the concerns of their constituents, acted impermissibly."<sup>8</sup>

The Napa County Board of Supervisors specifically recognized the pressure of a sizeable and important segment of the community to "keep the Moonies out." In fact, at a hearing to debate the necessity of preparing and Environmental Impact Report, "the commission received in evidence large amount of irrelevant but highly inflammatory community vitriol."<sup>9</sup> Minutes from two Planning Commission hearings clearly reveal that the commission was interested, not in the adverse environmental effects of NEDS proposal, but rather in matters such as the association of the group with the Unification Church and the philosophical and religious positions expounded by NEDS, in particular the relationship of these positions to the teachings of Reverend Moon. Despite the factually validated occurrence of these hearings, the Board claimed that they were not actually "considering" such evidence. In any event, the results lead to a clear inference that the official decision "effectuate(ed) the discriminatory designs of private individuals."<sup>10</sup> Furthermore, the subject matter of the two Commission hearing mentioned above are a "radical departure from the normal substantive criteria" and consequently fulfill a third aspect of the "sensitive inquiry" outlined by Judge Powell.

The NEDS case also involved radical 'procedural departures,' the most striking of which was to require the preparation of a full EIR against the County's staff recommendation of a "Negative Declaration." The instant case represents the only case in Napa County history in which such a course was followed. Thus, without substantial basis for ordering an EIR, in the stormy climate of public disdain for the presence of a "Moonie indoctrination camp" in Napa County, the Planning Commission, as affirmed by the Board of Supervisors, required NEDS to undertake the lengthy, arduous, and expensive process of preparing a full EIR.<sup>11</sup>

The Planning Commission justified its decision to require an EIR from NEDS on the basis of the existence of "substantial controversy." This was pursuant to a case decided by the California Supreme Court, *No Oil, Inc. v. City of Los Angeles*, in which it was decided that "the existence of serious public controversy concerning the environmental effect of a project in itself indicates that preparation of and EIR is desirable."<sup>12</sup> "The plain language of No Oil, however, indicates that an EIR is not to be triggered under this rubric by any kind of 'serious public controversy' but not only one which 'concern(s) the environmental effect of a project.'"<sup>13</sup>

Fisher continues to expose another of the required conditions for invalidating a land use decision, that, as



mentioned previously, "substantive departures too may be relevant, particularly if the factors usually considered important by the decisionmaker strongly favor a decision contrary to the one reached."<sup>14</sup> Napa County's refusal to grant the necessary permits for repairing the buildings on NEDS property is contrary to the typical considerations and purposes for land use decisions. The Napa Board itself, the Environmental Consultant, the Planning Commission and all others who looked into the property concluded that the Maybeck and other buildings of similar vintage constitute a valuable architectural and historical resource, one close to being unique in the county and state. Moreover, NEDS project proposal, in fact encourages, under carefully controlled circumstances, the restoration of the buildings which had fallen into dangerous disrepair. Yet, by preventing the project or any part thereof from proceeding, the county equally prevented the desperately needed restoration, thereby virtually guaranteeing that the buildings would fall into irreparable ruin.<sup>15</sup>

## Land Use v. Individual Freedom

Fisher also reviewed the final EIR in detail and gathered powerful information that grossly invalidated the negative findings. One of the unmitigable impacts sighted, "the social factor," reflects most clearly the issue raised in this study, the scope of environmental considerations.

Under the sub-category "population," NEDS' Final Environmental Impact Report (FEIR) stated that "(b)ased upon observations and discussions, the population characteristic of the residents and guests of the NEDS resort would differ from the majority of the existing residents of the valley." These asserted "differences" were based in part on the projected age of future NEDS residents, their marital status, and their residence "in group facilities rather than in households." Furthermore, the FEIR stated that "NEDS is associated with the Unification Church and its leaders have been subjects of controversy because of their philosophy and teaching methods."<sup>16</sup> Claiming no intention to judge or otherwise evaluate the church or NEDS, except environmentally, the FEIR did go on to conclude that "the past national and local publicity combined with differing social characteristics can result in problems in local social integration."<sup>17</sup>

If contrasting age, marital status, living arrangement, teaching method, and philosophy are valid "environmental considerations," as proposed in NEDS' FEIR, then the civil rights of Californians are in a sad state of affairs and the words of Justice Van Voorhis are yet to be understood by Napa County public officials.

In every age there are always individuals and

groups who are not easily integrated into the mainstream of society. Today, most Americans honor Martin Luther King, Jr. as a champion of civil rights. However, he was perceived to be a menace to society by most of America less than a couple of decades ago. It is not difficult to imagine that in the early nineteen sixties if Dr. King applied to the Selma, Alabama Planning Commission for a use permit for a camp that taught people about non-violent protest, they would not have welcomed him. In fact, the Selma Planning Commission could have easily applied the same reasoning as that used in NEDS' FEIR to Dr. King's hypothetical request. If Dr. King's presence in Selma can result in problems in local social integration and may even provoke violence, then those insisting on segregation need to examine the constitution and change their values, and those guilty of violence should be apprehended by the proper authorities. Dr. King is not a threat to the health, safety, and morals of the community, racism is.

Furthermore, if the community where Dr. King sets up his camp, is threatened by arsonists who despise Dr. King's work, Dr. King is not a threat to the environment, the arsonists are. For as Van Voorhis states, "Protection of minority rights is as essential to democracy as majority vote," and "the right to be different has its place in this country." In the NEDS case, the people of Napa County perceive NEDS proposed land use as a threat to the socio-political status quo of the community. Therefore, under the rationale of "environmental considerations," they fight to keep the "Moonies" out, using zoning laws as an instrument of exclusion.

## Conclusion

In an age when local, state, and federal governmental agencies can exercise the police power to control the effect that man has on his environment, the scope of "environmental considerations" must be defined in a manner that secures the civil liberties guaranteed to all persons residing in the United States. Land use regulations should not be used to oppress free speech and diversity but to protect them. Local, state, and federal government consideration of what activities are acceptable in a particular community cannot be tolerated except in instances where there is a clear unmitigable physical impact. Furthermore, "environmental considerations" should not be inclusive of "social factors" such as the environmentally healthy: ideological perspective, religious doctrine, political belief, race, or ethnic background that is appropriate for a municipality.

Considering the intent of both State and Federal legislators and the Supreme Court (which has remedied

some similar misuses of this power) when they entrusted local, state, and federal agencies with broad discretionary power in environmental issues and, considering the typical use of zoning ordinances as outlined by Mandelker, responsible application of this power can almost guarantee the securing of sound environmental conditions in the future. However, considerate of the implications and questions raised in the NEDS case, the popularity of ultra-conservative attitudes, and the continuous attempts to institutionalize prejudice, racism, and bigotry, guardians of the environment who are committed to civil rights must be vigilant and strong against the misuse of this power. ■

## Footnotes

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# Diamond Heights School: The Training Center for the San Francisco Police Department

by Edmund Pecinovsky

*Edmund Pecinovsky is a student at San Francisco State University and has been with the San Francisco Police Department for 17 years.*

**T**his report will evaluate the decision the San Francisco Police Department (SFPD) made to purchase the Diamond Heights School for use as its Training Center. The report will examine the options the SFPD had, the constraints under which it operated and what its overall objectives for training are.

The objective of the SFPD in the area of training is to provide training for recruits and veteran officers to a level where those officers are competent and effective in the delivery of police services in San Francisco. The Commission of Peace Officers Standards and Training (POST) for the State of California requires that every police officer and first line supervisor receive a minimum of 24 hours of advanced officer training every two years. The training mandate by POST has to be conducted by a presenter who is certified by POST as meeting the standard for basic and advanced officer training. The SFPD has a basic recruit officer course which is 800 hours (20 weeks) and an advanced officer course which is 40 hours. Both of these courses are POST certified.

The SFPD has a lease with the San Francisco Unified School District (SFUSD) for Fremont School which is due to expire on July 1, 1989. In 1984, the SFUSD asked the SFPD to vacate the Fremont School because the district need the school for students by September, 1986. The lease for Fremont School had no escape clause, so the department could refuse the request made by the district. The SFUSD offered several alternate sites to the SFPD for lease considerations. The SFPD investigated these sites and found they were not suitable for use by the department as training centers.

The SFPD was faced with the choice of (1) staying at the Fremont School for the remaining term of the lease, (2) finding another location for the training center which met the needs of the department, or (3) training recruit and veteran officers at a POST certified regional training center. In considering these options it is necessary to mention that the SFPD had a clear bias toward operating its own training center. Nonetheless, the Chief of Police ordered that the use of a regional training center be explored. Table I compares the options from the point of costs for training of all three options. A quick glance at this table will show that in considering dollars alone the option of using regional training centers would be the least expensive. The option of remaining at the Fremont School is only available for a short time because the lease does expire on July 1, 1989 and this exercise would have to be repeated at that time. The option of acquiring a different site for the training center would lay to rest the question of where the training for the SFPD would be held for the next twenty-five years.

When the discussion of the options was being held some of the constraints which the department considered were the length of training (basic and advanced) remedial training, specialized training, control of the content and delivery of instruction, size and availability of funding for the purchase option. The department considered these issues and then looked at the options of what choice to make.

The use of regional training centers would limit the basic course to 560 hours (14 weeks) and the advanced officer course to 24 hours. The basic course as currently being presented at the SFPD training center is 800 hours (20 weeks) and 40 hours for the advanced officer course.

This limiting of the length of both courses would impact on the content of training in those courses. The SFPD takes great pride in being responsive to community needs and concerns. The department makes an effort to work with the public in all phases of delivering



TABLE 1

	OPTION 1	OPTION 2	OPTION 3 <sup>1</sup>
COST FOR SITE	\$120,000 per year <sup>2</sup>	\$80,000 <sup>3</sup>	None
COST FOR STAFF	\$2,500,000 per year	\$2,500,000 per year	None
COST FOR SUPPLIES	\$250,000	\$250,000	None
COST FOR TUITION (BASIC)	(None)	(None)	\$200 to \$300 per officer (120 per year)
COST OF HOUSING, MEALS, ETC.	None	None	\$5,500 per officer (120 per year)
# OF OFFICERS THAT CAN BE TRAINED AT EACH SESSION (BASIC)	40 <sup>4</sup> (120 trained per year)	40 <sup>4</sup> (120 trained per year)	Space Available Basis <sup>5</sup>
ADVANCED OFFICER TRAINING (NUMBER OF OFFICERS THAT CAN BE TRAINED)	750 per year	750 per year	Space Available Basis <sup>5</sup>
ADVANCED OFFICER TRAINING	None	None	\$75.00 per officer (750 per year)
COST FOR HOUSING, MEALS, MILEAGE	None	None	\$250.00 per officer (750 per year)
ANNUAL COST	\$2,870,000	\$2,830,00	\$933,750

<sup>1</sup>Basic Course — 560 hours / Advanced Course — 24 hours

<sup>2</sup>Location available until July 1, 1989

<sup>3</sup>Based on 25 years of use

<sup>4</sup>Attrition rate for SFPD officers is approximately 10 per month

<sup>5</sup>Several different regional training centers may have to be used

police services to the community and support this effort with the requisite training. As a result, the basic training for SFPD recruits is six weeks longer and the advanced officer course is two days longer than POST mandated training. What the department does in this additional time is to tailor its presentation so as to address the specific and identified issues over which the public has expressed a concern. For example, the recruit officers participate in community awareness meetings.

These community awareness meetings were inserted into the training in 1979 at the request of community groups for the purpose of improving communication between the recruit officers and the diverse constituencies they serve.

The recruit officers spend one day each in the Black, Chinese, Gay, Hispanic, and Filipino communities. These casual meetings allow the recruits to be a part of these communities for a day and see first hand what issues are important to each of them. The result of this exposure is that when a recruit officer has to provide police services to members of these communities the officer will have a better understanding of the communities. In 1981, the department inserted a block of instruction in its training program on the subject of domestic violence. This training was added in response to an identified need advanced by several women's groups from the community. This training program was added to the department's permanent orders. In 1985, the State Legislature passed a law which mandates training in domestic violence to all police officers starting 1/1/86. The entire program the San Francisco Police Department had in place was used as a model for the passage of this new law and the instructors served to educate other trainers in this field.

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***'When the SFPD presents its own basic and advanced officer training courses, it has complete control of the instructors . . .'***

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If the option of a regional training center were used then the department would either have to drop this program or conduct it independently of the basic training received at the regional training center.

The department is operating under a consent decree for hiring and promotions. This decree sets goals

for hiring minorities and women. The department has a comprehensive remedial training program for recruit officers who may require additional training to successfully complete recruit training. Minority and women recruits have been the principal benefactors of the program. A regional training center would not/could not provide the level of remediation the SFPD does because it is not part of the objectives for such centers and they have no incentive to provide more than the basic recruit training.

When the SFPD presents its own basic and advanced officer courses, it has complete control of the instructors as well as control of the content of material. The department can have a particular instructor add or delete material from a block of instruction, or if necessary replace instructors who do not meet the needs of the department.

From time to time the department finds it has a real need for some specialized training which may or may not be available at regional training centers. Even if the training is available there is always the question of how much space is available for SFPD personnel. As an example, the department found it had a need to train the top thirty managers in crowd management following the 1982 Super Bowl disturbances. There was no course on the topic available, so the department hired one consultant and supplemented his material with forty hours of additional localized information. Since this training, the department has had no problems managing large gatherings or events such as the 1983 visit of Queen Elizabeth and the 1984 Democratic National Convention. Without a POST certified training center, the department could not have put together such a course and have it be certified by POST.

The size of classes and the availability of space would be a factor in deciding which option to choose. The department would require approximately 120 recruits trained per year. If a regional training center were to be used, then the department would have to wait for space to be available, additionally, if one center could not handle the department's needs, then the department would have to send recruits to several training centers during the same time. The use of more than one training center would hamper the ability of the department to have all recruits consistently trained. The same would be true for advance officer training. The department is required to train 750 officers every year, and finding space for that many officers in one training center would be nearly impossible.

The circumstances surrounding the purchase of the Diamond Heights School are noteworthy. This process started in 1984 when the City had a budget surplus. When the SFUSD approached the department it was thinking about offering another site for less. The

department found out that the Diamond Heights School was vacant and could not be used by the SFUSD for educational purposes because of structural problems. The department asked the district if it would be interested in selling the Diamond Heights School. The school was not useable by the district because the structural problems caused the school not to meet earthquake standards for secondary schools. The school is located on five acres of land which includes some open space and ample useable space for a training center. The City Real Estate Department appraised the land and school at the request of the SFPD. They placed a value of one million dollars on the land and no value on the school because of its structural problems. The SFPD had structural engineers inspect the building for the purpose of seeing what the real structural problems were. The structural engineers reported that only a portion of the school was heavily damaged and the remaining portion would be suitable for use as a police training center without fear of any safety problems. The SFPD asked the Department of Architecture to prepare a preliminary cost estimate as to what the cost of rehabilitating the building would be. They reported that the costs to demolish a portion of the building and make the remaining portion useable would be approximately one million dollars. So for the cost of two million dollars the City could purchase five acres of land in San Francisco and renovate a building that would serve its needs as a training center for the next twenty-five years. Assuming the land costs would remain the same, the cost to build a new structure of the same size and type would cost three million seven hundred and fifty thousand dollars. By acquiring the Diamond Heights School and the land, the City saved approximately two million seven hundred fifty thousand dollars.

Some discussion should proceed now on the subject of remaining at the Fremont School. The City and the SFPD believed that the lease for Fremont School was airtight and could easily withstand a challenge as to its validity should the SFUSD try to force the SFPD to relocate. The SFPD knew that in five years it would have to relocate so if a protracted legal battle over the terms of lease could be avoided then that would be desirable for both organizations. The department believed that it would not be in the public interest to force a legal battle over a lease that had only five years remaining. After all, public funds would be expended to bring and defend such an action. The department believed that the public's perception of both organizations would be diminished and both would suffer. That was the motivation for the SFPD to actively look for an alternate when those offered by the SFUSD were not acceptable to the department.

When the option of using regional training centers

is examined, there are a number of positive and negative points to consider. Clearly, the most positive aspect of using regional centers is that it would save a considerable amount of money every year. This saving would amount to approximately two million dollars annually. These savings would be realized only if the department made the decision to only train its officers the minimum amount of time in the required subject areas. The negative aspects of the decision would be that the department would lose the ability to be responsive to the needs and concerns advanced by the public as it pertains to perceived service needs which require training support. In addition, the department would lose the control over how and what subject matter was being taught as well as how one presenter taught a subject as opposed to how others teach the same topic. The department would lose control over when officers would be trained because they would be limited by when the regional training centers offered their training.

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***'... making the change to regional training centers would have been "penny wise and pound foolish" for the SFPD.'***

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The decision makers for the SFPD now had all the necessary and relevant information about the options. The task before the decision makers was to balance the positive and negative aspects of the options before making the final decision. The department chose the option of buying the Diamond Heights School because it would keep the control of training in San Francisco. The SFPD has been operating its own academy and training center for more than fifty years. The department's history and tradition in the field of training are a part of the fabric that makes up the SFPD and to no longer have a training center would have been difficult for the decision makers to accept. Since 1979, the SFPD has had an influx of approximately 1000 new officers into the department. Without its own training center the department probably could not have handled this number of recruits. It is not likely that the department will have to go through such a highly intensive hiring procedure in the immediate future, but if it is necessary it would have the capability to do so. If the Diamond Heights School or some similar building/site



were not available for the price the department paid then it would have been likely that the department would have considered the other options with a higher priority. The cost of purchase and renovation clearly was the strongest influential factor bearing on the decision made to purchase the Diamond Heights School.

The ability to be responsive to the public in the areas of training also weighed heavily on the decision makers. The department has enjoyed the support of virtually every diverse community in the City. This support was due in part to the kind and type of training the department provides. If it did not operate its own training center, the SFPD would either not provide the additional training or it would have to establish training programs to supplement what would be taught at a regional training center. It would appear that the department took the approach that "if it isn't broken, don't fix it."

Although the annual cost to train at the SFPD training center would be substantially higher than using a regional training center, the SFPD decision makers believed they had the public support in having a locally-controlled training center. If the SFPD did not operate its own training center, the personnel assigned there to operate it would not be cut from the budget but would rather be used to perform other duties which the department needed to be completed. The operation of a training center within the department is primarily a decision on the allocation of personnel resources. Once those resources are allocated, then gathering the support of the public and the City administration to continue to budget funds for that purpose becomes the task for SFPD decision makers.

I believe the department made the right decision in purchasing the Diamond Heights School for use as a training center. Even though the dollar cost to train at regional training centers is substantially less, the real value of police training in San Francisco is in the supplemental training that the SFPD provides. This value is intangible because the real impact is in the way SFPD officers deliver police services to the public. I believe that making the change to regional training centers would have been "penny wise and pound foolish" for the SFPD. The impact on the department's ability to control the training would be tremendous, but it is likely this impact would not be felt for years to come. This loss would come in many ways; not the least would be public support which is essential for the efficient operation of a modern agency.

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# High Noon at Caltrain

by Paul Bignardi

*Paul Bignardi, is currently a junior at S.F. State majoring in history. My reason for writing this article is to promote mass transit in the Bay Area. I believe new types of planning strategy have to be developed if the Bay Area is to remain pleasant and attractive to residents and visitors alike.*

**T**he oldest mass transit line in the Bay Area will soon enter into the fight of its life. For over 100 years, trains have carried passengers on 47 miles of track between San Francisco and San Jose, but the service faces complex funding and legal problems and possibly closure if more riders are not found. In a recent survey by the Bay Area Council, 22% of Bay Area residents listed transportation as the regions largest problem; yet a major rapid transit system could disappear before our eyes.<sup>1</sup> For Bay Area residents this would be a disaster, and the argument in favor of trains will be viewed here.

Caltrain is vital to the mass transit future of the Bay Area for the following reasons. First and most important, it is the only high speed rapid transit line on the Peninsula in the congested Peninsula/101 corridor area. The great need for this transit line is shown when viewing the Metropolitan Transportation Commission (MTC) and Caltrans projections which show the number of workers in the 101 corridor climbing by 24% to one million combined with the construction of 100 million sq. feet of office space by 2000. Furthermore, the main auto transit route, US 101, is already at capacity at several locations and times throughout the day. Another major fact is that Caltrain is the central link in a 150 mile Bay Area rail network, which should be in place by the end of the century, unless Caltrain stops operation. This system will combine BART and the Muni Metro/LRV in S.F. and East Bay Areas to Caltrain on the Peninsula which will connect to Guadalupe Corridor LRV in the San Jose/South Bay area. Caltrain is also protection against an energy problem. It is not a factor now, but could surface suddenly as in the Arab Crisis of 1974, forcing people onto mass transit in large numbers quickly. There are other reasons ranging from energy conservation, to low pollution, to providing

a needed public service for people without cars which are also important factors.

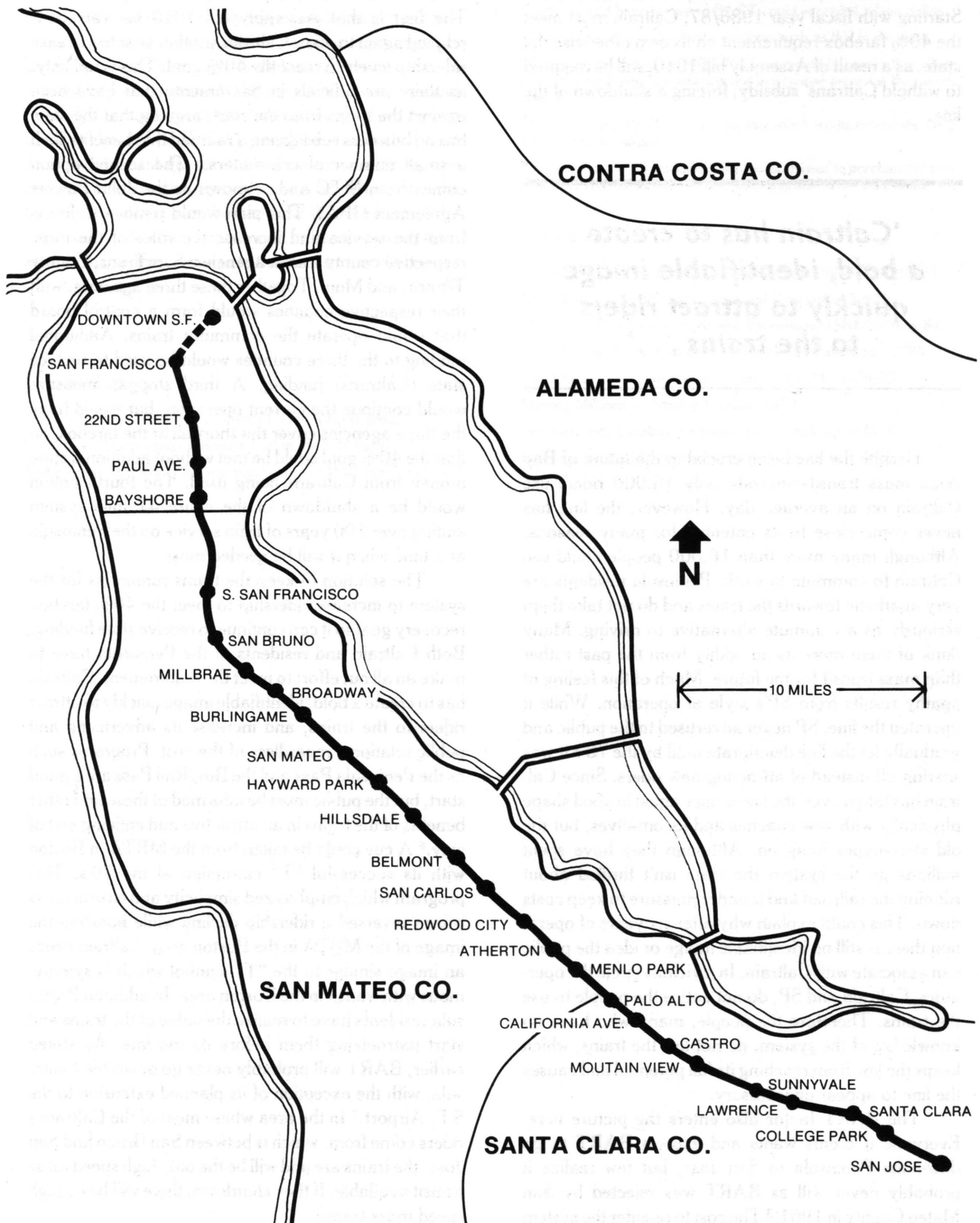
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***'... a major rapid transit system could disappear before our eyes.'***

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The key players in this game of mass transit "railroad style" are Southern Pacific Railroad, the operator of the trains and owner of the track, the state (Caltrans), the owner of the trains and a subsidizer of operation, the U.S. government, subsidizer of operations and improvement funds, and the residents of the Peninsula, who ride the trains. A short history of the line and how the current situation came about started with Southern Pacific Railroad, which owned and operated the line as a private venture until 1980. By this time the days of profitable passenger service were long gone and SP wanted to dump it. At the last minute the state, through Caltrans, stepped in and in a controversial move, saved the last commuter railroad west of Chicago.<sup>2</sup> The decision by the state to save the line by subsidizing operations was met with a favorable reaction by those who saw the line as a mass transit plus for the Bay Area, and an unfavorable reaction by those who believed the state had no business running a railroad. Fortunately, Caltrans had the foresight to see the necessity for a high speed rail mass transit line in the congested 101 corridor, and despite the critics, made the decision to save it.

Six years later the trains are in jeopardy again. The new threat is from Sacramento in the form of Assembly bill 1010, passed in 1981, which requires all commuter railroads subsidized by the state to recover 40% of operating costs from the farebox. Caltrain has not been able to do this, but a series of yearly waivers granted by the state has allowed the line to continue operation in the hope that the 40% farebox requirement could be met. Although ridership has increased slowly,



the latest figures only show a 37.4% recovery rate, and the last of the three waivers expires in June 1986. Starting with fiscal year 1986/87, Caltrain must meet the 40% farebox requirement on its own otherwise the state, as a result of Assembly bill 1010, will be required to withhold Caltrans' subsidy, forcing a shutdown of the line.

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**'Caltrain has to create  
a bold, identifiable image  
quickly to attract riders  
to the trains ...'**

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Despite the line being crucial to the future of Bay Area mass transit currently only 16,000 riders use Caltrain on an average day. However, the line has never come close to its potential for many reasons. Although many more than 16,000 people could use Caltrain to commute to work, Peninsula residents are very apathetic towards the trains and do not take them seriously as a commute alternative to driving. Many think of them more as an oddity from the past rather than mass transit for the future. Much of this feeling of apathy results from SP's style of operation. While it operated the line, SP never advertised to the public and gradually let the line deteriorate until by the 70's it was scaring off instead of attracting new riders. Since Caltrain has taken over, the line is once again in good shape physically with new coaches and locomotives, but the old stereotypes hang on. Although they have spent millions on the system the state isn't thrilled about running the railroad and is under pressure to keep costs down. This could explain why after six years of operation there is still no identifiable image or idea the public can associate with Caltrain. In a vicious circle the operators, Caltrain and SP, do not entice the people to use the trains. Therefore the people, many who have no knowledge of the system, do not use the trains, which keeps the line from reaching its full potential and causes the line to appear unnecessary.

The BART factor also enters the picture here. Everyone it seems wants and expects BART to go down the Peninsula to San Jose, but few realize it probably never will as BART was rejected by San Mateo County in 1961.<sup>3</sup> The cost to re-enter the system today would be astronomical to San Mateo County and is considered by many to be only a dream.<sup>4</sup>

There are several options that are available if the 40% farebox recovery goal is not met by 1986/87. The first is that Assembly bill 1010 be waived or relaxed again to allow Caltrain another year to increase ridership levels to meet the 40% goal. This is unlikely, as there are officials in Sacramento that have been against the trains from the start, arguing that the state has no business subsidizing a railroad that benefits such a small number of commuters.<sup>5</sup> The second option comes from MTC and is known as the Joint Powers Agreement (JPA). This plan would remove Caltrans from the service and increase the roles of the three respective county transit agencies: SamTrans, County Transit, and Muni. Together these three agencies, with their respective counties would form a control board that would operate the commuter trains. Additional funding to the three counties would be used to replace state (Caltrans) funding. A third stopgap measure would continue the current operation, but would have the three agencies cover the shortfall at the farebox, so that the 40% goal could be met without additional state money from Caltrans being used. The fourth option would be a shutdown of the entire 47 mile system ending over 100 years of train service on the Peninsula at a time when it will be needed most.

The solution to keep the trains running is for the system to increase ridership to meet the 40% farebox recovery goal so it can continue to receive state funding. Both Caltrain and residents of the Peninsula have to make an all out effort to meet the requirement. Caltrain has to create a bold, identifiable image quickly to attract riders to the trains, and increase its advertising and public relations, regardless of the cost. Programs such as the Peninsula Pass and the Bus/Rail Pass are a good start, but the public must be informed of these and other benefits of the trains in an attractive and enticing sort of way.<sup>6</sup> A cue could be taken from the MBTA in Boston with its successful "T" campaign of the 70's. This program which emphasized simplicity and ease in mass transit reversed a ridership decline while boosting the image of the MBTA in the Boston area. Caltrain needs an image similar to the "T" symbol which is synonymous with transit in the Boston area. In addition Peninsula residents have to realize the value of the trains and start patronizing them before it's too late. As stated earlier, BART will probably never go down the Peninsula, with the exception of its planned extension to the S.F. Airport.<sup>7</sup> In the area where most of the Caltrain's riders come from, which is between San Bruno and San Jose, the trains are and will be the only high speed mass transit available. If they shutdown, there will be no high speed mass transit.

In conclusion, even if the 40% farebox recovery goal is not met the system will probably not be shut-



down. Too much has been invested by Caltrain, and too much is at stake to quibble over a shortfall at the farebox. At stake is the only high speed mass transit line in the congested Peninsula/101 corridor, and a system in which over 100 million dollars has been invested in the last four years alone.<sup>8</sup> The decision however should not be left to Sacramento, but should be resolved here in the Bay Area. The JPA Agreement is one hope, but at this time it is still questionable if an agreement can be reached between the agencies involved. Therefore, the fate of the system is in the hands of the residents of the Peninsula and in the end they can fail and let the system shut down, or they can rise to the occasion and keep the trains running. ■

## Footnotes

<sup>1</sup>BAC—Bay Area Council, a private research study group

<sup>2</sup>Less than 10 commuter railroads exist in the U.S. today

<sup>3</sup>BART was rejected by county supervisors in 1961 and was never

put to a public vote

<sup>4</sup>The combined cost of construction and the "buy in" price San Mateo County would have to pay to BART could exceed 4 billion dollars

<sup>5</sup>There is no other rail subsidy program such as this in the state

<sup>6</sup>Peninsula Pass and Bus/Rail Pass are monthly passes that allow unlimited train and bus travel in the designated areas for the month issued

<sup>7</sup>This is a major BART expansion plan which would extend the Daly City line to the airport

<sup>8</sup>The estimated 100 million dollars has been used to purchase 63 new coaches, 18 new locomotives, and to upgrade existing facilities

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# District Elections and Voter Turnout

by Katherine Zastrow

Starting in 1970, Citizens for Representative Government, a group of neighborhood activists, began a drive to institute district elections in San Francisco. Although their main goals were to make county supervisors more responsive to neighborhood concerns and reduce the influence of "downtown," district election supporters also argued that the change from at-large elections would promote an increased sense of political efficacy and greater participation by groups who had heretofore been politically passive. Instead of a resident's vote being one of several hundred thousand, it would be one of well under 50,000. In addition, district elections, its proponents claimed, would allow for a broader spectrum of candidates, reducing the "they're all the same so what does my vote matter" syndrome. This research will try to determine whether district elections could affect voting patterns among people who traditionally do not vote.

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***'... district elections, its proponents claimed, would allow for a broader spectrum of candidates, reducing the "they're all the same so what does my vote matter" syndrome.'***

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Throughout this country's history, citizens with a legal right to vote have been informally disenfranchised. Prior to the Voting Rights Act of 1965, poll taxes and literacy tests prevented blacks and poor whites from

voting. Complicated registration procedures and residency requirements effectively barred uneducated or mobile citizens from participation. In addition to these procedural methods of disenfranchisement, American culture has taught the poor and minorities that is not their "place" in society to be politically active. All of the disenfranchising factors combine to create a low sense of political efficacy among uneducated, poor, mobile and minority people; they do not believe their vote will make any difference or that they can affect public policy-making.

San Francisco instituted at-large supervisory elections in the early 1900s, a time when the Progressive movement was pushing for similar reforms in cities throughout the United States. The new electoral system was touted as a way to destroy corrupt machines headed by men such as Boss Tweed in New York City and Christopher Buckley in San Francisco. Critics of at-large elections, then and now, charge that they produce long, complicated ballots, reduce the accountability of elected officials and dilute the votes of minorities, who are usually clustered in specific neighborhoods. These problems reinforce the politically passive person's feelings of worthlessness.

Citizens for Responsible Government finally realized its goal and a district election system was used in San Francisco between November 1976 and August 1980. However, its impact on voter turnout among historically disenfranchised votes is hard to measure directly. Only two supervisory contests were held under the system, thereby making any conclusions about its long-term effects impossible. Immediate changes are also difficult to measure because the two district elections were held in political "off-years" while supervisory elections since 1980 have been held in the higher-turnout even number years. Because of these problems in measuring the effect of district elections directly, this study will use poll data to try to determine whether district elections could change the voting patterns of traditionally passive groups: young people, minorities,

highly mobile people and people with low levels of income and education.

## Data Source

The data used in this study was taken from the San Francisco Political Issues Poll (SFI Poll) conducted by the Public Research Institute. The Institute conducted a telephone sample survey of 407 registered voters during the period May 4-12, 1985. For a sample of this size we can be 90 percent sure that figures for the total population of registered votes at the time of the survey fell within plus or minus 5 percent of the indicated percentages. Sampling error is larger for subgroup breakdowns of the data.

## Research Design, Key Concepts and Variables

This study will proceed in two sections: the first step determining whether certain socio-economic factors may influence political participation in San Francisco and the second step determining whether district elections might influence these socio-economic groups' rates of political participation.

The socio-economic factors of age, income, race, educational level, mobility and sexual preference will be used as independent variables throughout the study. SFT variable AGE will measure whether a respondent is "younger" (18-34) or "older" (35 and up). The rationale behind the break at age 35 is that people over that age tend to be more settled in their lives and careers than younger people. Whether a respondent is "poor" (annual household income under \$30,000) or "rich" (annual household income over \$30,000) will be measured by SFT variable INCOME. The poll's RACE variable will determine whether a respondent is "white" or "non-white." A respondent's education will be measured using the EDUC variable; "high" education will include those with a college degree or more schooling, "low" education will include those respondents with less than a college degree. Mobility will be measured using the OWNRENT variable. Renters will have "high" mobility and homeowners will have "low" mobility. This variable is not a perfect measure for mobility, people rent for many different reasons, but it is the closest indicator in this data base. Because of the assumed importance of mobility's effects on political participation, the OWNRENT variable will be used despite its problems. The final independent variable, sexual preference, will be measured by using SFT variable GAY to determine whether a respondent is gay or

straight.

The SFT variable VOTEXC will be used as the dependent variable in the first part of this study. This variable, measuring a respondent's propensity to vote is a valid measure of political participation in that voting is the extent of most people's political involvement and those who do not vote do not usually become involved in other political activities.

In the second part of this study, SFT variable DIST will be used as the dependent variable. The variable indicates whether the respondent prefers a district election system to the current at-large system. Controlled for how important the respondent feels district elections are (using SFT variable IMP), DIST can show whether district elections might increase political participation among the politically passive. Support for district elections among groups with a "low" propensity to vote would indicate they may turn out at a higher rate because rational people only support those political systems that will give them more personal power and an increased sense of political efficacy. Other studies have shown that people with a higher sense of political efficacy have a higher propensity to vote.

## Hypotheses and Theoretical Rationale

### PART I

Hypothesis #1 — The older a person is, the more likely s/he is to vote. Older people have more experience with the political system and therefore better understand it. In addition, they have more at stake (income, property) than younger people.

Hypothesis #2 — the more income a person has, the more likely s/he is to vote. As in the case of older people, wealthy people are more likely than poor people to have a stake in the political process.

Hypothesis #3 — Whites will be more likely to vote than non-whites. As noted above, minorities have been taught that it is not their place to participate in politics. In addition, non-whites are more likely to have recently become citizens and may not fully understand the American political system (the concept of universal franchise, for example).

Hypothesis #4 — The more education a person has, the more likely s/he is to vote. Educated people have a better understanding of the political system and how to participate in it.

Hypothesis #5 — The more mobile a person is, the less likely s/he is to vote. Highly mobile people do not stay in one place long enough to have a stake or interest in the community's political system. In addition, they

may not reside in one place long enough to meet residency requirements for voting.

Hypothesis #6 — Gay people are more likely to vote than straight people. Gays seem to have escaped the cultural barriers to voting that plague other minority groups. This may be a San Francisco phenomenon in that the city's gay community places a high value on political participation. The gay community has won many of its battles in the political arena whereas blacks and other minority groups have had to turn to protest and other methods.

## PART II

Hypothesis #7 — Of those who feel the issue is important, those groups who have "low" voting propensity (VOTEXC), will be more supportive of district elections than those groups with "high" voting propensity. Those groups with a low propensity to vote currently have a low sense of political efficacy. They would support a measure that would create smaller districts, thus allowing their voice to be heard more easily.

## Findings

### PART I

Table #1  
Voting Propensity by Age

VOTEXC	AGE	
	Younger	Older
Low	70.1	34.4
High	29.9	65.6
	N-134	N-273

This table shows that older people (over 35) are more than twice as likely to have a high voting propensity. This finding supports the hypothesis that the older a person is, the more likely s/he is to vote.

Table #2  
Voting Propensity by Income

VOTEXC	INCOME	
	Poor	Rich
Low	49.5	45.6
High	50.5	54.4
	N-202	N-160

This finding is not statistically significant. It does give

some support, though, to the hypothesis that rich people (annual household income over \$30,000) have a higher propensity to vote than poor people.

Table #3  
Voting Propensity by Race

VOTEXC	RACE	
	Non-White	White
Low	56.6	42.2
High	43.4	57.8
	N-106	N-289

Again, this finding provides some support for the hypothesis that whites are more likely to vote than non-whites.

Table #4  
Voting Propensity by Education

VOTEXC	EDUC	
	Low	High
Low	46.8	46.2
High	53.2	53.8
	N-205	N-195

This finding would tend to refute the hypothesis that the more education a person has, the more likely s/he is to vote. The voting propensity of those with low education (less than a college degree) is virtually identical to that of people with high education.

Table #5  
Voting Propensity by Mobility

VOTEXC	Mobility	
	Rent	Own
Low	60.1	28.7
High	39.9	71.3
	N-223	N-164

The differences in this finding support the hypothesis that less mobile people (those who own their homes) have a higher voting propensity than those who move often. As indicated above, however, the OWNRENT variable is an imperfect measure of mobility. Controlling for the number of years a person has lived in San Francisco may give a truer picture of the voting habits of mobile versus non-mobile people. Using this mobility index, we would predict that renters living in San Francisco for less than 15 years would be the least likely to vote while homeowners who have lived in San Francisco for more than 15 years would be the most likely to vote.



**Table #6**  
**Voting Propensity by Owner/Renter Status**  
**Controlling for Years Lived in San Francisco**

VOTEXC	STATUS			
	Renter◀15	Owner◀15	Renter▶15	Owner▶15
Low	65.7	46.3	50.0	22.8
High	34.3	53.7	50.0	77.2
	N-143	N-41	N-80	N-123

This finding does support the importance of the effects of both owner/renter status and years lived in San Francisco on voter propensity. Both renters and homeowners who have lived in San Francisco for more than 15 years vote more often than their counterparts who have lived in the city less than 15 years. In addition, homeowners vote more than renters who have lived in San Francisco for the same amount of time.

**Table #7**  
**Voting Propensity by Sexual Preference**

VOTEXC	GAY	
	Straight	Gay
Low	44.4	60.9
High	55.6	39.1
	N-347	N-23

This finding refutes the hypothesis that gays are more likely to vote than straights.

## PART II

In this section, the income and education variables have been omitted. As shown above, these variables seem to have little effect on voting propensity.

Of those saying district election vs. at-large elections are "very" or "somewhat" important:

**Table #8**  
**Electoral System Preference by Age**

DIST	AGE	
	Younger	Older
District	67.0	54.3
At-Large	33.0	45.7
	N-103	N-230

**Table #9**  
**Electoral System Preference by Race**

DIST	RACE	
	Non-White	White
District	56.8	59.2
At-Large	43.2	40.8
	N-95	N-228

**Table #10**  
**Electoral System Preference by Mobility Index**

DIST	STATUS			
	Renter◀15	Owner◀15	Renter▶15	Owner▶15
District	60.2	48.6	57.1	44.9
At-Large	39.8	51.4	42.9	55.1
	N-133	N-37	N-77	N-118

**Table #11**  
**Electoral System Preference by Sexual Preference**

DIST	GAY	
	Straight	Gay
District	54.6	73.7
At-Large	45.4	26.3
	N-282	N-19

These findings tend to support the hypothesis that people with a lower propensity to vote are more supportive of district elections. Younger people, non-whites, mobile people and gays all supported district elections in greater percentages than their older, white, settled and straight counterparts. In the case of race, however, the difference is so small it is probably statistically insignificant.

## Summary and Conclusions

In general, the hypotheses of this research were supported. Most of the people in the traditional politically passive groups had a lower voting propensity and these groups showed greater support for district elections than those who are more likely to vote. These findings would seem to indicate that the traditional barriers to voting still exist despite efforts by community groups and political parties to "get out the vote" among the young, the mobile and minorities. Because the legal barriers, poll taxes and literacy or registration requirements no longer exist in San Francisco, lack of political efficacy would

seem to be the remaining bar to voting among these people. Support for district elections among the politically passive indicates that a switch in electoral systems may somewhat alleviate the feeling of worthlessness that has been instilled in these people.

The findings for gay people were surprising. The traditional San Francisco political wisdom that gay leaders can turn out large numbers of voters is not supported in this study. Along with other groups with a low voting propensity, gays strongly supported district elections.

The real question of this research, however, is

whether or not those people with a low voting propensity would actually vote in a district election. Of course, the only real way to test this question is to switch systems and have an election but it could be inferred from this study that district election would increase voter turnout. It can probably be assumed that people would be more likely to vote under a system that they preferred.

Finally, it is interesting to note that, with the exception of homeowners, all groups, whatever their voting propensity, preferred district to at-large elections. This finding should be heartening to those who are currently trying to reinstate district elections. ■

